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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1786-87.

[PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH, UNDER
AUTHORITY OF CHAPTER 104, RESOLVES OF 1889.]

ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS.

BOSTON:

Printed by ADAMS & NOURSE,
Printers to the HONORABLE GENERAL COURT.
M,DCC,LXXXVI.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

1893.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1786.

1786. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR NATURALIZING ROBERT MORRIS AND JAMES *Chap. 1.*
ALEXANDER.

Whereas Robert Morris and James Alexander, residents Preamble.
in Shrewsbury, in the county of Worcester, have petitioned the General Court, that they may be naturalized, and be thereby entitled to all the rights, liberties and privileges of free citizens of this Commonwealth:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Robert Morris and James Alexander, upon their taking the Oaths of allegiance and abjuration, required by the Constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, to all intents, constructions and purposes, as if they the said Robert Morris and James Alexander, had been inhabitants of the territory now the Commonwealth aforesaid, at the time of making the present form of civil government.

*Robert Morris
and James Alexander naturalized.*

And it is further enacted, That the Justices before whom the same Oaths shall be taken, shall return a certificate thereof, into the Secretary's office; and the Secretary is hereby directed, to record the same in a book to be kept for that purpose.

Certificate to be returned.

June 5, 1786.

1786. — Chapter 2.

[May Session, ch. 2.]

Chap. 2. AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PREVENT INCUMBRANCES ABOUT THE DOORS OF THE COURT HOUSE IN BOSTON."

Preamble.

Whereas in and by the said Act, to which this is in addition, provision is made for preventing incumbrances, that might hinder or impede the Members of the General Court, in their passage to, and from the said House, but no provision is made for preventing the disturbances, to which the said Members are exposed, by means of the noises produced by the increased number of hackney coaches, and other carriages, that are now almost constantly passing and repassing by the said Court House, and by which the Members of the said General Court, are often prevented from hearing each other in their public debates:

For the preventing such disturbances for the future,

Stand of carriages limited.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no hackney coach, chaise, trucks, or any other carriage, shall stand, or pass, during the hours of the sitting of the General Court, within three hundred feet of the east end of the State House, easterly, or make a stand within one hundred feet of the west end of the State House, nor upon either side of the said House.

Penalty.

And if any person shall violate this Act, he shall forfeit and pay for the first offence, a fine of five shillings, and for the second, and every after offence, a fine of ten shillings; to be sued for, and recovered by the Messenger of the General Court, for the time being, before any Justice of the Peace for the county of Suffolk.

Proviso.

Provided always, That this Act shall not be construed, so as to hinder any coach, chaise or other carriage, from standing or passing within the limits aforesaid, which shall be used by the Governour, Lieutenant Governour, the Council, or any Member of the General Court, for the time being, for the purpose of riding to, and from the General Court, or prevent any carriage, passing and repassing for the necessary business of the inhabitants, living within the limits before-mentioned.

June 13, 1786.

1786. — Chapter 3.

[May Session, ch. 3.]

AN ACT FOR THE ORDERLY SOLEMNIZATION OF MARRIAGES.

Chap. 3.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That every Justice of the Peace, within the County where he resides, and every stated and ordained Minister of the Gospel, in the Town, District, Parish or Plantation where he resides, shall be, and hereby is, authorized and empowered to solemnize Marriages between persons, that may lawfully enter into that relation, when one or both of the persons to be married, belong to, or are residents in the County where such Justice resides, or one, or both of them are inhabitants of, or residents in the Town, District, Parish, or Plantation where such minister resides.

Justices of the Peace and Ministers licenced to marry.

And be it further enacted by the authority aforesaid, That when any settled and ordained Minister of the Gospel is himself to be married, it shall be lawful for any other such Minister within the same County, to marry the said Minister. And also, when any religious Society shall be destitute of a settled and ordained Minister of the Gospel, in case there shall not be such a Minister, within the Town, District or Plantation, in which such religious Society is, it shall be lawful for any such Minister, within the same County, to join any person of such Town, District, or Plantation, in marriage, *provided* such marriage be solemnized in the Town, District or Plantation where one of the Parties to be married shall reside.

Ministers and others, how to be married in certain cases.

And be it further enacted by the authority aforesaid, That all persons desiring to be joined in marriage shall have such their intentions published at three public religious meetings, on different days, at three days distance exclusively, at least from each other, in the Town or District, wherein they respectively dwell, or shall have their intentions of marriage posted up by the Clerk of such Town or District, by the space of fourteen days, in some public place, within the same Town or District, fairly written, and shall also produce to the Justice or Minister, who shall be desired to marry them, a certificate of such publishment, under the hand of the Clerk of such Town or District respectively; and also, that the inten-

Intentions of marriage how to be published, and town clerk's duty.

tion of marriage hath been entered with him fourteen days, prior to the date of such certificate; and where a male, under twenty one years, or a female under eighteen years of age, is to be married, the consent of the parent, Guardian or other person, whose immediate care and government such party is under, if within the Commonwealth, shall be first had to such marriage. And in case the Parties or either of them live in a Town, District, or place where there shall be no Clerk, then publishment shall be made in the Town or District next adjoining, in manner aforesaid, and a Certificate from the Clerk of the same Town or District, of such publishment, and of the entry of their intentions of marriage as aforesaid, shall be produced as aforesaid, previous to their marriage.

Inhabitants of the Counties of Cumberland and Lincoln, respecting their marrying.

Provided, That in regard to any plantation in the Counties of *Cumberland* and *Lincoln*, where the Parties, not under the respective ages aforesaid, shall have been inhabitants for the space of twelve months, and shall live twenty miles distant from such next adjoining Town or District, any Justice or ordained Minister belonging to this Commonwealth, may join them in marriage without such Certificate.

Banns forbidden, process in that case.

And be it further enacted by the authority aforesaid, That if at any time the banns of Matrimony betwixt any persons shall be forbidden, and the reasons thereof assigned in writing, by the person so forbidding the same, left with the Town or District Clerk, he shall forbear issuing a Certificate as aforesaid, until the matter shall have been duly inquired into, and determined before two Justices of the same County, *quorum unus*; *provided* the person forbidding the banns, shall, within seven days after filing the reasons as aforesaid, apply unto two Justices as aforesaid, and procure their determination thereon; unless the said Justices shall certify unto the said Clerk, that a further time is necessary for their determination on the reasons filed; in which case the Clerk shall forbear issuing a Certificate, until the time then certified to be necessary, shall expire, unless the Justices shall sooner determine; according to whose determination, the Clerk shall govern himself herein; and if the said Justices shall determine, that the reasons assigned by the person forbidding the said banns, were not supported by the laws of the Commonwealth, then the person so forbidding, shall pay all the cost that may

Proviso.

have arisen in consequence of such objection; and the said Justices shall make up judgment and issue execution accordingly.

And be it further enacted by the authority aforesaid, That if any person shall deface or pull down any publication posted up in writing as aforesaid, before the expiration of the said fourteen days, he shall forfeit and pay the sum of *twenty shillings*, to the use of the Town; and if unable to pay the said fine, may be set in the stocks for the space of one hour. And if any Justice of the Peace, or Minister, shall otherwise than is expressly allowed and authorized by this act, join any persons in marriage, they shall severally forfeit and pay the sum of *fifty pounds*, two third parts thereof to and for the use of the County, wherein the Offence may be committed, and the residue to the prosecutor, to be sued for and recovered in the Court of Common Pleas, within the same County, by the Treasurer thereof, who is hereby enjoined upon due information thereof, to prosecute and sue for the said penalty, without delay, or by the parent, guardian or other person under whose immediate care and government, either of the parties were at the time of such marriage; and every Justice or Minister, against whom such recovery shall be had, is hereby forbidden from joining persons in marriage forever after. And in case a person forbid as aforesaid, or any other person whatever, not authorized and empowered to solemnize marriages by this Act, shall join any persons in marriage, and be convicted thereof in the Supreme Judicial Court, upon presentment or indictment, he shall stand one hour in the Pillory, and be subjected to pay a fine, at the discretion of the Court, to the use of the Commonwealth, not exceeding *one hundred pounds*, nor less than *eighty pounds*.

Penalty for destroying publications.

Penalty for marrying contrary to this act.

And be it further enacted, That every Justice and Minister, shall make and keep a particular record of all marriages solemnized before them respectively; and in the month of *April*, yearly and every year, shall make a return to the Clerk of the Town, District or Plantation in which he lives, certifying the names (both Christian names and Surnames) of all the persons who have been by them respectively joined together in marriage within the year then last past, if any such have been by them so joined together. And if it shall so happen, that any one or more of the said Justices, or Ministers, shall not have

Record to be kept of marriages.

Return of marriages, to be made annually.

Penalty for neglecting to make such return.

Town & district Clerks, to record all marriages.

Penalty for joining in marriage, any white person with any Negro, Indian or Mulatto.

Marriages solemnized among Quakers, declared valid.

joined together in marriage, any persons during the course of the year then last past, it shall be the duty of such Justice or Minister, also to certify to the said Town Clerk, in writing under his hand, that he has not joined any persons in marriage, within the course of the said year : And if any Justice or Minister, shall neglect to make such return, within the month of *April*, annually, the Clerk of the Town, District or Plantation, where such delinquent Justice or Minister lives, shall without delay, certify such neglect to the Clerk of the Court of General Sessions of the Peace, of the same County, who shall lay the same before the said Court, at their next Session ; and the person so neglecting shall be cited to appear before the said Court, to answer for such neglect ; and if no sufficient reason shall be assigned therefor, he shall be considered and adjudged disqualified for joining persons in marriage for a term of time, not exceeding ten years, at the discretion of the Justices of the said Court. And every Town and District Clerk, shall duly and seasonably record all marriages, so certified to him, as aforesaid, and shall also return a list or copy thereof to the Clerk of the Court of General Sessions of the Peace of the same County, sometime in the month of *May*, yearly and every year, to be there recorded, upon penalty of forfeiting *twenty shillings* for each neglect : And it shall be the duty of each Clerk of the Sessions, to prosecute for every such neglect, in the County to which he belongs. And every Clerk of the Sessions shall record all such returns of marriages at large, in a book to be kept for that purpose, and no other, under the same penalty for each neglect.

And be it further enacted, That no person by this Act authorized to marry, shall join in marriage any white person with any Negro, Indian or Mulatto, on penalty of the sum of *fifty pounds*, two third parts thereof to the use of the County wherein such Offence shall be committed, and the residue to the prosecutor, to be recovered by the Treasurer of the same County, in manner as aforesaid ; and all such marriages shall be absolutely null and void.

And be it further enacted by the authority aforesaid, That any marriages which have been, or hereafter may be had and solemnized, among the people called Quakers, or Friends, in the manner and form, used and practiced in their Societies, shall be good and valid in Law, any thing

in this Act to the contrary notwithstanding: And the Clerk, or Keeper of the records of the meeting wherein such marriage shall be had and solemnized, shall once a year make a certificate, under his Hand, of all marriages had and solemnized in the Society, or meeting, to which he belongs, and shall deliver the same to the Clerk of the Court of General Sessions of the Peace, of the County wherein the marriages have been had, and solemnized, under the penalty of *twenty shillings*, for each neglect. All fines, not particularly appropriated, shall be to the use of the prosecutor. And all former Laws relating to the solemnization of marriages, are hereby repealed.

Certificate of all such marriages, to be made annually.

Fines, how appropriated.

This act to be in force from and after the last day of *December*, one thousand seven hundred and eighty six, and not sooner.
June 22, 1786.

1786. — Chapter 4.

[May Session, ch. 4.]

AN ACT TO PREVENT THE DESTRUCTION OF THE FISH CALLED SHAD AND ALEWIVES, IN THEIR PASSAGE UP THE RIVERS AND STREAMS IN THE TOWN OF *REHOBOTH*, IN THE COUNTY OF *BRISTOL*.

Chap. 4.

Whereas it is necessary for the preservation of the Fish called Shad and Alewives, in their passage up the rivers and streams in the Town of Rehoboth, that the Committee hereafter to be appointed in the said Town, to see that the passage-ways for the said fish be not obstructed, should have authority given them for the purposes aforesaid:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Town of Rehoboth shall be, and they are hereby empowered and directed, at their meeting for the choice of Town Officers in March or April, annually, to choose three or more persons, to see that the laws respecting the passage-ways for the said Fish be observed; and each person so chosen shall take an oath faithfully to discharge the duties required of him by Law; and the Committee of the said Town shall meet together annually, on or before the tenth day of April, at such time and place as the person first chosen by the said Town shall appoint; the meeting to be by him duly notified: And the major part of the Committee present at such meeting, are hereby authorized and empowered to

Town of Rehoboth empowered to choose three, or more persons annually, to see that the laws respecting fish, be observed.

Power of such
Committee.

order the time, places and manner, in which the said Fish may be taken. And the said Committee, or the major part of them, shall have power to cause the natural course of the streams through which the said Fish pass, to be kept open and without obstruction — to remove any such as may be found therein, and to make the passage-ways wider or deeper, if they shall find it necessary; and the Committee, or either of them, paying a reasonable consideration therefor, if required, shall have authority for those purposes, to go on the land of any person through which such streams run, without being considered as trespassers; and any person who shall molest or hinder the said Committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage-way in such rivers or streams, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine not exceeding *ten pounds*, nor less than *five pounds*.

Committee em-
powered to open
any dams or
sluice.

Proviso.

Penalty for
obstructing
passage-ways.

Penalty for tak-
ing fish, in any
manner, not
allowed by the
Committee.

And be it further enacted, that the said Committee, or the major part of them present at any meeting, duly notified, being not less than three in number, shall be, and hereby are authorized and empowered, to open any dam or sluice of any mill erected, or that may be erected on or over any such rivers or streams, at the expence of the owner or owners of such dam, *provided* such owner or owners shall neglect to open the same, when thereto required by the said Committee, or such major part of them as aforesaid; and the dam or sluice so opened shall continue open in every year to such depth and width, and for such term of time between the tenth day of *April* and the first day of *June*, as the major part of the Committee shall judge necessary. And in case any person or persons shall obstruct the passage-ways allowed or ordered by the said Committee, or such major part of them, in any dam or sluice, such person so offending shall forfeit and pay a sum not exceeding *ten pounds*, nor less than *five pounds*.

And be it further enacted, That if any person or persons shall take any of the said Fish, on any day, or in any place, or in any manner, other than shall be allowed by the said Committee as aforesaid, each person so offending shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *five shillings*.

And be it further enacted, That if the Committee aforesaid, or either of them, shall detect any person or persons

in attempting to take any of the said Fish, on any day, at any time, or at any place, or in any manner, otherwise than is allowed by the said Committee, or shall find such Fish with such person or persons, such person or persons shall be deemed to have taken the said Fish, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear that he or they came by the said Fish in some other way.

Persons detected by the Committee, how proceeded with.

And be it further enacted, That the Committee to be chosen as aforesaid, shall agree upon certain days in the week when said Fish shall be taken, and also upon certain parts of said rivers and streams where said Fish may be taken, to be particularly marked and bounded, and shall notify the inhabitants thereof by posting up notifications in two public places in said Town of *Rehoboth*, within ten days after their being chosen as aforesaid.

Committee to agree upon certain days when fish may be taken.

And be it further enacted, That all the penalties incurred by a breach of this Act, may be sued for and recovered in any Court in the County of *Bristol*, proper to try the same, and all sums so recovered as forfeited by this Act, shall be appropriated one moiety thereof to the prosecutors, and the other moiety for the poor of the said Town. And no person, by reason of his being one of the said Committee, shall thereby be disqualified from being a witness in any prosecution, for the breach of this Act.

Penalties incurred, how recovered.

June 27, 1786.

1786. — Chapter 5.

[May Session, ch. 5.]

AN ACT AUTHORIZING EXECUTORS AND ADMINISTRATORS, TO MAKE SALE OF REAL ESTATE, MORTGAGED TO THEIR TESTATORS OR INTESTATES, AND SUCH AS THEY SHALL TAKE IN EXECUTION, IN CERTAIN CASES.

Chap. 5.

Whereas doubts have arisen, and may arise, with respect to the extent of the right, interest, title and estate, which Executors or Administrators may have, in houses, lands, and tenements mortgaged to their respective Testators or Intestates, and also the right, interest, title and estate, which Executors or Administrators may have, in houses, lands, and tenements, set off by execution at the suit of Executors or Administrators, for debts due to the estates of persons deceased; for the better defining and declaring the Law in those respects:

Preamble.

When persons to whom lands are mortgaged, shall decease before recovery, the debts due on such mortgage, shall be considered assets in the hands of the Executors, &c.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any person or persons to whom any lands, tenements, or hereditaments, may be mortgaged for the payment of debts, or the performance of any collateral promise or engagement whatsoever, shall decease before recovery of seizin and possession of the lands, tenements or hereditaments, mortgaged, that then the debts due on said deed of mortgage, and the lands, tenements, or hereditaments, mortgaged by the same, shall be assets in the hands of Executors, or Administrators, as personal estate; and the Executors or Administrators, shall have the same control and power of disposal of all the estate, which the said deceased had, in the lands, tenements, and hereditaments mortgaged, as if they had been a pledge of personal estate; and Executors or Administrators, may bring actions of ejectment, for recovery of seizin, and possession of the lands, tenements, and hereditaments mortgaged as aforesaid; in which actions it shall be sufficient to declare on the seizin, and possession of the Testator or Intestate.

When Executors shall recover seizin, &c. proceedings in such case.

Be it further enacted by the authority aforesaid, That whenever Executors or Administrators, shall recover seizin, or possession of lands, tenements, or hereditaments mortgaged as aforesaid; the Executors or Administrators, shall be seized and possessed of the estate, so recovered, to the sole use, and behoof of the heirs of the Intestate, or such Devisees of the Testator, to whom said estate may be devised; but in case the lands mortgaged, and recovered as aforesaid, shall be necessary for the payment of debts, legacies, annuities, or charges of administration, and the same shall be Certified from the Court of Probate, the said Executors or administrators, shall have full right, power and authority, to dispose and make sale of the whole or part of the lands, tenements and hereditaments recovered as aforesaid, subject however, to the equity of redemption: And it shall be lawful for the said Executors and Administrators, to sell the same at private sale, to any person, who shall pay therefor, the whole of the money due upon the mortgage, at the time of sale; *provided* the Court of Probate, shall give leave for such private sale; or otherwise the same shall be sold at public auction, to the highest bidder, notice of such intended sale, to be given as is prescribed in, and by

Proviso.

an act, intituled, “ An Act directing the settlement of the estates of persons deceased, and for the conveyance of real estates.”

Be it further enacted by the authority aforesaid, That whenever any Executor or Administrator, shall recover judgment, for any sum of money, whereon execution shall issue, and lands, tenements, or hereditaments, shall be set off to the said Executor or Administrator, in discharge of the said Execution, the said Executor or Administrator shall be seized and possessed of the whole estate, in the lands, tenements or hereditaments, so set off, to the sole use, and behoof of the heirs of the deceased Intestate, or of the residuary Legatee, or Legatees of the Testator, as the case may be: provided however, that in case the lands, tenements, and hereditaments, so set off on the said execution shall be necessary for the payment of debts, legacies, annuities or charges of administration, the same being certified from the Court of Probate, the said Executor or Administrator shall have full power and authority, and they are hereby fully authorized and empowered, to sell, and dispose of the same, for the purposes aforesaid, with the saving of the right of redemption; and it shall be lawful for the said Executor or Administrator to sell the same as aforesaid, at private sale, to any person who shall pay therefor, the money, at which they shall have been apprizd and set off, in satisfaction of the Execution, in whole or in part; provided the Court of Probate shall give leave therefor; or otherwise the sale shall be made at public auction, in like manner as is herein before directed for the sale of mortgaged lands, tenements and hereditaments.

Lands &c. set off, to be to the use of heirs, &c. and to be sold in case.

Be it further enacted by the authority aforesaid, That after Executors or Administrators, shall recover seizin, or possession of any lands, tenements, or hereditaments, mortgaged as aforesaid, and before conveyance or assignment thereof, in manner aforesaid, if any mortgagor, his heirs, Executors, Administrators, or assigns, shall within the time limited, for the equity of redemption, redeem the said mortgaged premises, the Executors or administrators, shall in every instance, be entitled to receive the said redemption money, and are hereby authorized, empowered, and directed to discharge the said mortgaged premises, by release, quitclaim, or other legal conveyance.

Executors entitled to redemption money.

Proviso.

And be it further enacted by the authority aforesaid, That nothing in this Act contained, shall be construed, to controul any last will and testament, or any part thereof.

June 27, 1786.

1786. — Chapter 6.

[May Session, ch. 6.]

Chap. 6.

AN ACT TO ENABLE THE INHABITANTS OF THE FIRST PARISH IN THE TOWN OF FALMOUTH, IN THE COUNTY OF CUMBERLAND, TO SELL THE MINISTERIAL LANDS THERE, TOWARDS RAISING A FUND FOR THE SUPPORT OF THE MINISTRY, AND TO TAX THE PEWS IN THE MEETING HOUSE, IN SAID PARISH, UNTIL SUCH FUND BE RAISED.

Preamble.

Whereas the inhabitants of the First Parish in the Town of Falmouth, in the County of Cumberland, have represented to this Court, that many difficulties subsist within the same, in respect to the raising of monies for the support of the ministry, by the usual mode of laying taxes upon polls and estates, and as a remedy whereof have requested, that an Act might be passed to enable them to sell the ministerial lands there, the proceeds whereof, together with such sums as have been, or may be subscribed by individual persons, to be applied to the raising of a fund for that purpose and that they might be empowered to tax the pews in the meeting house in said parish, until such fund be raised.

Parish Committee to sell ministerial lands.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said parish by such Committee as they may appoint for that purpose, be, and they hereby are empowered to sell and dispose of all such lands in said parish, as were originally granted for the use of the ministry, or now belong to said parish, and to make and execute a good and sufficient deed or deeds of the same, according to law.

Interest of the proceeds to support ministry.

And be it further enacted, That the monies arising from such sale, as also all monies which already are, or may hereafter be given by any person or persons for the purpose, shall be applied to the establishment of a fund, the interest whereof shall be and hereby is appropriated to the support of the present Ministers of said parish, and their successors, who may hereafter be elected by said parish — such interest to be received and applied as aforesaid, by the Committee of the parish who may be annually

chosen for that purpose. *Provided nevertheless*, That no Proviso. such sale shall be considered valid, unless the Minister or Ministers of said parish for the time being, shall signify, in writing, his or their consent to the same.

And be it further enacted by the authority aforesaid, That the inhabitants of said parish be and they hereby are authorized and empowered, until such fund be established, to raise by a tax upon the pews in said meeting house, such sum or sums as shall be annually voted and agreed upon at their annual meeting in *March*, for paying the salary or salaries of their Minister or Ministers, and defraying the other necessary charges of the parish, or so much of the same as the income arising from the fund, may in case of its not being sufficient for the purpose, fall short. Tax in the mean time upon the pews.

And be it further enacted, That the said pews shall be taxed, and pay towards such salary or salaries and charges, according to their valuation, respect being had to their convenience and situation, which valuation shall be set thereon by the Assessors of said parish, from time to time, as may be found necessary; and all such taxes or assessments shall be made and levied according to such valuation proportionally; and if the same be not paid within six months from the time, the Collector shall give notice thereof to the proprietor or owner of the pew assessed (which notice he shall give by causing an advertisement of the same, to be inserted in the *Falmouth Gazette*, specifying the number of the pew, and the sum at which it is assessed, or in such other way as the parish at a legal meeting shall determine) the said Collector shall proceed to sell the pew of such delinquent proprietor or owner, at public vendue, notice of such sale being previously given in the *Falmouth Gazette*, three weeks successively, or in such other way as the said parish shall determine, and after deducting the said taxes, and necessary charges of sale, the overplus, if there be any, shall be paid to the delinquent proprietor or owner of the Pew so sold. Mode of levying it.

June 27, 1786.

1786. — Chapter 7.

[May Session, ch. 7.]

AN ACT TO PREVENT THE DESTRUCTION OF SALMON, SHAD, AND ALEWIVES, AND OTHER FISH IN AGAWAM, OR WEST-FIELD RIVER. *Chap. 7.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority

Limits and time
of catching fish
prescribed.

of the same, That from and after the first day of *March* next, no person or persons be allowed to catch any Salmon, Shad, or Alewives with seines, nets, pots, or in any other way, in any part of said River, within two miles of the entrance thereof into *Connecticut River*, nor in *Connecticut River*, within half a mile South, or forty rods North of the mouth, or entrance of said *Agawam*, into *Connecticut River*; and no person or persons shall catch any Salmon, Shad, or Alewives, in any other part of the said *Agawam River*, at any other time, than between Sun-set on Monday evening, and Sunset on Thursday evening in each week; and if any person or persons shall presume to catch any fish in the said Rivers, contrary to the true intent of this Act, he or they so offending, shall for each offence, forfeit and pay a fine of *Four pounds*; and the seine, net or machine used in catching said fish, shall be forfeited.

Penalty for
erecting incum-
brances.

And be it further enacted by the authority aforesaid, That all weares, fences, and other incumbrances now erected, or that shall hereafter be erected, in any part of the said *Agawam River*, so as to stop the free course or passage of the said fish up the said River, shall be deemed common nuisance, and as such shall be pulled down and demolished; and any person or persons, that shall hereafter erect any such weares, fences, or other incumbrance or shall continue such already erected, on conviction thereof, shall forfeit and pay the sum of *Three pounds*.

Recovery of
penalties.

And be it further enacted by the authority aforesaid, That all fines and forfeitures, incurred by any breach of this Act, shall, and may be recovered by action or information, before any Justice of the Peace, within the County where such offence shall be committed: one half of such fines shall enure to him or them, who shall sue or prosecute for the same; and the other half to the poor of the Town, where the offence shall be committed.

June 27, 1786.

1786. — Chapter 8.

[May Session, ch. 8.]

Chap. 8. AN ACT FOR APPOINTING AND EMPOWERING AGENTS ON THE PART OF THIS COMMONWEALTH, TO ASSIST IN RUNNING AND ASCERTAINING THE LINE OF JURISDICTION BETWEEN THIS COMMONWEALTH, AND THE STATE OF NEW YORK, ON THE EASTERLY PART OF THE SAID STATE OF NEW YORK.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority

of the same, That *Timothy Edwards*, Esq; Doct. *Samuel Williams*, *Jahleel Woodbridge* and *Caleb Strong*, Esq's. Agents to furnish documents, &c.

be, and they are hereby appointed Agents on the part of this Commonwealth, who are hereby authorized to furnish the Commissioners appointed by Congress to run out, survey, mark and ascertain the line of Jurisdiction, between this Commonwealth and the State of *New York*, on the easterly part of the said State of *New York*, with the documents, papers and observations necessary to ascertain the said Line; and the said Agents, are further authorized and empowered, with the assistance of the Commissioners of Congress afore mentioned, to agree with the Agents of the State of *New York*, in what manner the said Line shall be run, if such agreement can be made on the principles of Justice.

To agree with agents from N. York.

And be it further enacted, That if such agreement as is above mentioned, cannot be made by the Agents of the respective States, the Commissioners aforesaid, appointed by Congress, be, and they are hereby empowered on the part of this Commonwealth, to proceed upon, and accomplish the business of running the said Line of Jurisdiction, upon such principles and observations, as shall appear to them the least liable to error.

Otherwise to proceed, &c.

And be it further enacted, That the Agents aforesaid, be, and they are hereby vested with all the powers, with which the Commissioners on the part of this Commonwealth were vested, by an act passed on the fourth day of *June*, in the year of our LORD, Seventeen hundred and eighty-four, entitled, “An Act for the appointing and empowering Commissioners, on the part of this Commonwealth, in conjunction with such as are, or may be appointed by the State of *New York*, to ascertain the boundary line between the Commonwealth and the State aforesaid, Eastward of *Hudson's River* ;” and the said Agents are hereby authorized and empowered to employ such Chainbearers, Flagmen, or other persons, as they shall judge necessary to attend them in the prosecution of the business abovementioned.

Their power.

And it is further enacted, That if any two or more of the said Agents shall be present, they or the major part of them shall be, and they are hereby authorized to exercise all the powers which are herein given to the Agents aforesaid.

Any two Agents authorized.

And be it further enacted, That the Secretary of this Commonwealth be, and he hereby is directed to furnish

Secretary to furnish them with necessary papers.

the said Agents with such original papers or copies, now in his office, as they may think necessary to the discharge of the trust reposed in them. *June 27, 1786.*

1786. — Chapter 9.

[May Session, ch. 9.]

Chap. 9. AN ACT FOR INCORPORATING THE EASTERLY PART OF PELHAM, AND THE SOUTHWEST PART OF NEW SALEM, IN THE COUNTY OF HAMPSHIRE, AND THE INHABITANTS THEREON, INTO A SEPARATE PARISH, BY THE NAME OF THE SECOND PARISH IN PELHAM.

Preamble. Whereas a number of the Inhabitants of the towns of Pelham and New Salem, in the County of Hampshire, have petitioned this Court to be incorporated into a Parish, and the Prayer of the said petition appearing to be reasonable:

Boundaries. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Lands hereafter described, viz. all the lands lying east of the western branch of Swift River, in Pelham, and all the lands in New Salem, south of the farms on which Amos Thomas, Silas Haskins, and the widow Mary Sloan, now live, and of a line drawn east from the land of said Mary Sloan, to a line that shall intersect a line drawn due north from the northwest corner of Greenwich, together with the inhabitants thereon, be, and they are, hereby incorporated into a separate parish, by the name of the second parish in Pelham, and vested with all the powers, privileges and immunities, which parishes in this Commonwealth are entitled to.

Incorporated, and invested with powers. And be it further enacted, That Isaac Powers, Esq; of Greenwich, be, and he hereby is directed to issue his warrant to some principal inhabitant within the said Parish, directing him to warn the inhabitants of the said Parish, qualified to vote in Parish affairs, to assemble at some convenient time and place, in the said Parish, to choose such officers as are necessary to manage the affairs of the said Parish, according to the powers and authority given by this Act.

To pay their proportion of parish taxes. Provided nevertheless, That the inhabitants of the said parish shall pay their proportionable part of all taxes of a parochial nature, which have been assessed on them by the towns to which they respectively belong, in the same manner as if this Act had not been passed.

June 28, 1786.

1786.—Chapter 10.

[May Session, ch. 10.]

AN ACT REGULATING PARISHES AND PRECINCTS, AND THE OFFICERS THEREOF. Chap. 10.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the bounds and limits of Precincts and Parishes, as they have been formerly settled, be, and hereby are confirmed and established, until they shall be otherwise ordered by the General Court. And the inhabitants of each respective Parish and Precinct, who shall pay in one tax, exclusive of the Poll or Polls, a sum equal to two thirds of a single poll tax, shall, in the month of *March* or *April*, annually, meet and assemble together at such time and place, in the same Parish or Precinct, as they shall be notified to attend, by the Collector thereof, or such other person as the Assessors thereof shall appoint to notify the same; and the said inhabitants shall then and there, by a major vote, by ballot, or such other method as they may determine convenient, choose a Clerk, who shall be under oath truly to Record all votes passed in the same, or any other regular meeting of the Corporation, during the time he shall remain in Office; two or more able and judicious persons for assessors, a treasurer, collector and other usual Parish or Precinct Officers. And no person in commission for any Office, civil or military, church officer, member of the Council, Senate, or House of Representatives, for the time being, nor any one who has served in the Office of Constable or Collector, of any Town, District, Parish or Precinct, within the term of seven years, shall be obliged to serve in the Office of Collector. And every person chosen to the Office of Collector, and not exempted as aforesaid, if he be able in person to execute the same, and of the same denomination of Christians as those of the major part of the Parish or Precinct who shall choose him, who shall refuse to take the oath to that office prescribed, and to serve therein, shall forfeit and pay to the use of the same Precinct, or Parish, the sum of *Three pounds*. And the person chosen collector shall if present forthwith declare his acceptance or refusal, and in case of non acceptance the Parish or Precinct shall proceed to a new choice, and so from time to time until one shall accept and be sworn: and any

Bounds and limits of Precincts and Parishes, established.

Inhabitants to meet annually, for the choice of officers.

Certain persons exempted from serving in the office of Collector.

Persons not exempted, refusing to serve.

Penalty.

person so chosen, who shall be present, and shall not declare his acceptance of the Office of Collector, or who shall neglect after being summoned by a Constable or any other person whom the Clerk or assessors may appoint for that purpose before the Clerk, to take the Oaths of Office, for the space of seven days next after being notified or summoned, as aforesaid (which oath, as well as the oath of all other Parish or Precinct Officers, the Clerk for the time being is hereby authorised and empowered to administer) and shall neglect to pay the fine aforesaid, may be compelled to pay the same by the same mode of Process, in the Court of General Sessions of the Peace, that fines may by Law be recovered of persons refusing to serve in the Office of Constable.

Fines, how recovered.

Assessors empowered to manage prudentials, unless a Committee shall be appointed.

Parish & precinct meetings regulated.

And be it further enacted by the authority aforesaid, That assessors of Precincts or Parishes shall be empowered to manage their prudentials, unless a Committee shall specially be appointed for that purpose, which any Precinct or Parish is empowered to choose if they think proper; and the said Committee, where any such shall be chosen, and the assessors where no such Committee shall be appointed, shall have like power and authority in all respects for calling Parish or Precinct meetings as Selectmen, by Law have for calling Town meetings; and in case of a vacancy in any Parish or Precinct Office chosen in *March* or *April*, the same vacancy may be filled at a Parish or Precinct meeting regularly notified, at any other season of the year. And the Moderator of a Parish or Precinct meeting shall have the like power and authority in governing the meeting as the like Officer by Law has in a town meeting; and persons misbehaving in Parish or Precinct meetings shall be subjected to similar punishments, to the use of the Parish or Precinct, as persons misbehaving in Town meeting; and the penalties to be recovered in the same manner. And the moderator, in case no Justice of the Peace is present, may also administer in open meeting the Oath of office to the Clerk thereof. And when ten or more of the qualified voters of any Precinct or Parish shall signify in writing their desire to have any matter or thing inserted in a warrant for calling a meeting, it shall be the duty of the assessors to insert the same in the next warrant they shall issue for that purpose; and no matter or thing shall be acted upon in such a manner as to have any legal operation whatever

unless the subject matter thereof shall be inserted in the warrant for calling the meeting. And in case the assessors shall unreasonably refuse to call a meeting, or a Parish or Precinct shall have no assessors within it to call one, or not a major part of the assessors or committee which any Parish may agree upon to be chosen, any Justice of the Peace for the same County, upon the application of ten or more of the voters in the Parish or Precinct, may call a meeting, in the same manner as a Justice of the Peace is by Law authorized to call a town meeting.

Justices of the Peace may call a meeting in certain cases.

And be it further enacted by the authority aforesaid that the qualified voters aforesaid of any Parish or Precinct, at the annual meeting in *March* or *April*, or at any other Parish or Precinct meeting regularly notified, at least seven days before the holding thereof, may grant and vote such sum or sums of money as they shall judge necessary for the settlement, maintenance, and support of ministers or public teachers of religion; for the building or repairing of Houses of Public Worship, and all other necessary Parish or precinct charges, to be assessed on the Polls and property within the same as by Law provided. And the inhabitants of each respective Parish and Precinct are hereby declared to be a Body Corporate, and as such may commence and prosecute any action or suit to final judgment and execution, in any Court proper to hear and determine the same; and may also defend any suit or action that may be bro't against them, for which purposes they may constitute one or more Agents or Attorney's, in the same manner as towns may constitute and appoint Agents; and the evidence of their appointment may be ascertained in the same manner.

Qualified voters may grant money for the support of ministers, &c.

Inhabitants of Parishes & Precincts, declared to be a body corporate.

And be it further enacted by the authority aforesaid that where any town or district consisting of but one parish only has been or hereafter shall be divided or made into two or more Precincts or Parishes, any engagements or contracts entered into by such town or district before such division, of a Precinct or Parochial nature solely, shall not by such division be considered as released, cancelled, or extinguished; but the same shall remain in full force, and be obligatory on the inhabitants residing, and the estates lying within the limits of the first Parish or Precinct of the same Town or district, who shall be deemed and taken as successors to the town or district,

Engagements or contracts, of a parochial nature, entered into before division of towns into parishes or districts, shall remain in full force, after such division.

Proviso.

so far as relates to Precinct or Parochial agreements and contracts, to every intent and purpose whatever. *Provided always* that all debts of a precinct or parochial nature that are or shall be in fact due and owing from any Town or District, before a division thereof into Precincts or Parishes, for services or other matters actually done and performed, for the general benefit of the persons who shall after be included in each of the Precincts or Parishes, shall in no respect be altered or devolved upon the first parish or precinct, as the successors of the said Town or District in its Precinct or Parochial capacity, any thing herein contained to the contrary notwithstanding.

Remaining part of such towns, shall be considered as the first or principal parish.

And be it further enacted by the authority aforesaid, that in all such towns or districts where one or more parishes or Precincts shall be regularly set off from such towns or districts, the remaining part of such Town or District is hereby deemed, declared and constituted an entire, perfect and distinct parish or precinct, and shall be considered as the principal or first parish or precinct.

June 28, 1786.

1786. — Chapter 11.

[May Session, ch. 11.]

Chap. 11. AN ACT FOR REGULATING THE SALMON, SHAD AND ALEWIVE FISHERY IN *SACO RIVER*, AND THE BRANCHES THEREOF, WITHIN THIS COMMONWEALTH.

Preamble.

Whereas the constant catching of Salmon, Shad, and Alewives in Saco River, is greatly prejudicial to the growth and increase of said Fish, and to the great damage of the inhabitants on said River: Therefore

Time set for catching fish.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person or persons be allowed, from and after the passing of this act, to catch any Salmon, Shad or Alewives in any part of *Saco River*, or in any river or stream centering to or running into the same, within this Commonwealth, oftener or more than four days in a week, *viz.:* from Monday morning sunrise to Wednesday morning sunrise, and from Thursday morning sunrise to Saturday morning sunrise, in each week; and if any person or persons, shall catch any Salmon, Shad or Alewives in *Saco River*, or in any River or stream center-

ing to or running into the same, within this Commonwealth, or shall drag any seine, or drag-net, or set any pot or net, or any other Machine, for the purpose of catching any of the said fish, at any other time than by this act is allowed in the said Rivers and Streams, each and every person so offending, shall for each and every such offence, forfeit and pay the sum of *Four pounds*, and the seine, net, pot or other machine so used shall be forfeited.

And be it further enacted by the authority aforesaid, That all wears, fences and other incumbrances now erected, or that shall be hereafter erected in any part of *Saco River*, or other Rivers and streams centering to or running into the same, within this Commonwealth, for stopping or obstructing the course of the said fish, shall be deemed common nuisance, and as such shall be pulled down and demolished, and any person or persons that shall hereafter erect any such wears, fences or other incumbrances, or that shall continue any already erected, on due conviction thereof, shall forfeit and pay the sum of *Three pounds*, for each and every such offence.

Wears & other incumbrances deemed common nuisance.

And be it further enacted by the authority aforesaid, That if any person or persons, from and after the passing this act, shall drag any seine or net, or set any net in the said *Saco River* that is more than ten rods in length, he or they so offending shall forfeit and pay for each offence a fine of *four pounds*, and the seine or net so dragged or set shall be forfeited.

Penalty for dragging any seine or net, more than 10 rods in length.

And be it further enacted, that from and after the passing this Act, every town and plantation in this Commonwealth bordering on *Saco River*, and in which there are any Rivers or streams centering to or emptying themselves into *Saco River*, where Salmon, Shad or Alewives, would (if not obstructed) go up to spawn, shall at their meeting in *March* or *April* for the choice of town officers, annually, choose by ballot, at least three suitable and fit persons, whose duty it shall be jointly or severally to see that this Act, and the Acts for keeping open sluice ways in dams, be duly observed, and to inform against any person or persons that shall offend against this act, and to see that all obstructions in the Rivers and streams aforesaid be removed, and to prosecute all breaches of the said Acts; and all persons so chosen shall be sworn to the faithful discharge of their duty in such office: and if any

Towns, &c. bordering on *Saco River*, to choose persons, annually, to see that this act be duly observed.

Such persons to be sworn.

Penalty for
refusing.

person so chosen as aforesaid shall refuse or neglect to be sworn (after due notice given) he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of such town, to be recovered by the Treasurer of such Town or the Clerk of such Plantation, where the offence shall be committed, and such Town or Plantation shall proceed to a new choice, and so *toties quoties*; and any person or persons who shall refuse or prevent the person or persons so chosen from measuring any Seine or net which shall be used for the purpose of taking fish in said River, shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *twenty shillings*, for each and every such offence.

Writs of scire
facias to issue,
for breaches of
this act.

And be it further enacted, that on complaint made in writing, to any Justice of the Peace for the County where any offence against this Act shall be committed, against any person or persons for any breach of this Act, or upon view of any Justice, such Justice is hereby impowered to issue his writ of *Scire Facias*, commanding such offender or offenders to appear before him at such time and place as the Justice shall direct, at least seven days previous to the day of trial, to shew cause (if any he or they have) why a warrant of distress shall not issue against him or them, to levy said fine or forfeiture on his or their goods or chattels, with all legal costs, in the same manner as writs of execution are issued, and in like manner returnable.

How fines shall
enure.

And be it further enacted, That all fines and forfeitures incurred by any offence committed against this act, shall enure the one moiety thereof, to the poor of the town or plantation where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

Grand Jurors
to present
offences.

And be it further enacted, that all Grand Jurors are hereby enjoined diligently and faithfully to enquire after and duly to present all offences against this Act.

June 28, 1786.

1786. — Chapter 12.

[May Session, ch. 12.]

Chap. 12. AN ACT TO PREVENT DAMAGE BEING DONE TO THE HARBOUR OF CAPE COD, BY CATTLE, SHEEP AND HORSE KIND, FEEDING ON PROVINCE TOWN LANDS, AND FOR THE PRESERVATION OF THE SAME.

Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of

the same, that from and after the passing this Act, it shall not be lawful for the inhabitants of *Province Town*, or *Truro*, or any other person or persons whatsoever, to turn out, feed, or let run at large, any neat cattle, sheep, or horse kind, on the land, meadow, or beaches at *Cape Cod*, lying to the northward and westward of the head of the meadow in the said Town of *Truro*, known by the name of *East-Harbour Meadow*, from the first day of *April*, to the first day of *October* annually, upon the penalty, for each offence, of *five shillings* a head, for all neat cattle, and horse-kind, and *one shilling* a head for all sheep, so turned out, fed, or let run at large, on the lands, meadow, or beaches aforesaid, to be recovered by any Inhabitant of either of the said Towns, before any Justice of the Peace, for the County of *Barnstable*, by action of debt; and all such cattle, sheep, or horse-kind, found feeding, or running at large on said lands, shall be liable to be impounded, in the Town of *Truro*, (or *Province Town*, provided a pound be built therein) and immediate notice thereof shall be given to the owner or owners of such creatures, if known, otherwise, public notice thereof shall be given in writing, and posting up the same in some public place in each of the Towns aforesaid, by the person impounding the same; such creatures to be relieved by the pound keeper, with suitable meat and water, while impounded: and if the owner, or owners thereof, appear to redeem his, her, or their impounded creature, or creatures, he, she, or they, shall pay the following fees, viz. *three shillings* to the impounder, for each neat beast, or horse kind, and *six pence* for each sheep, so impounded, and to the pound keeper reasonable costs, for relieving such creatures, besides his fees established by law: and if no owner appear within the space of four days, to redeem such cattle, or horse-kind, so impounded, and to pay the cost, occasioned by impounding them, then, and in every such case, the person impounding such creature or creatures, shall cause the same to be sold at public vendue, to pay the cost and charges arising thereby; public notice of the time of such sale, to be given in the towns of *Truro* and *Province Town* aforesaid, forty-eight hours at least, previous to the said sale; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature, or creatures, so sold, at any time within twelve months next after such sale,

Penalty for turning out cattle, &c. at times not allowed by this act.

How recovered.

Cattle, &c. found running at large, liable to be impounded.

Notice thereof to be given.

Impounders fees.

If no owner appears in four days, the creatures may be sold.

upon his, her, or their demanding the same: but if no owner appear within the said twelve months, then the said overplus shall be, one half to the party impounding such creature, or creatures, and the other half to the use of the poor of the Town, where such creatures shall be impounded.

Proviso, re-
specting *Prov-
ince Town* in-
habitants.

Provided nevertheless, that nothing in this Act shall be construed to debar the inhabitants of *Province Town*, from keeping and letting run at large, on land, meadow and beaches in *Province Town* aforesaid, thirteen cows, four oxen, one bull, and three horses, of which number the Minister of *Province Town* for the time being, shall be allowed to keep one cow and one horse for his own use, on condition the said cattle and horses shall be marked on the left shoulder, with a hot iron, with the letters P. T. and entered by the Town Clerk of *Province Town* in the said Town's book, with their marks, natural and artificial; and the said thirteen cows, four oxen, one bull, and three horses (excepting the cow and horse for the Minister's use, as before provided in this Act) shall be owned and improved by the Inhabitants of *Province Town*, as shall be agreed on by them, at their *March* or *April* meeting annually, or some other Town meeting, called for that purpose.

Penalty for cut-
ting down, or
carrying off any
trees, &c. be-
longing to this
Commonwealth,
in *Province
Town*.

And be it further enacted by the authority aforesaid, that whosoever, after the publication of this Act, shall presume to cut down, or carry off any trees, poles, or brush, from any part of the land belonging to this Commonwealth, in *Province Town* aforesaid, shall forfeit and pay the sum of *six shillings*, for every tree, or pole, and *one shilling* for every bush, so cut down, or carried off, excepting twenty cords of wood to the use of the settled minister of said *Province Town*, for the time being, which shall be cut, and carted, in the month of *November* annually; and so much brush may be also cut and taken from the swamps in said *Province Town*, as shall be absolutely necessary for stakes, in the curing of Fish in the said Town, and no more: the forfeiture beforementioned, to be recovered by information, or complaint, before any Justice of the Peace, or by indictment, at any Court of General Sessions of the Peace, within and for the County aforesaid, one half to the use of any person, who shall sue for and recover the same, the other half to the use of the poor of the Town of *Truro*.

How recovered.

And be it further enacted by the authority aforesaid, that it shall be the duty of the Selectmen of the Towns of *Truro* and *Province Town*, to see that all breaches of this Act, be duly prosecuted.

And be it further enacted by the authority aforesaid, That all Laws heretofore made, to prevent damage being done to the harbour at *Cape Cod*, be, and hereby are, repealed.

Former laws repealed.

June 28, 1786.

1786. — Chapter 13.

[May Session, ch. 13.]

AN ACT FOR THE LIMITATION OF REAL ACTIONS.

Chap. 13.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no Person shall hereafter sue or maintain any *Writ of right*, or make any prescription, title or claim to any lands, tenements or hereditaments, or to any rents, annuities or portions issuing therefrom, upon the possession or seizin of his or their ancestor, or predecessor, beyond the term of three-score years next before the *Teste* of the same *Writ*.

Time limited for bringing actions by writ of right.

And be it further enacted by the authority aforesaid, That no person shall sue, have or maintain any *Writ of entry upon disseizin* done to any of his Ancestors or Predecessors; or any action possessory upon the possession of any of his Ancestors or Predecessors, for any lands, tenements or hereditaments, unless the Ancestor or Predecessor under whom the demandant shall claim, should have been seized or possessed of the lands, tenements or hereditaments demanded, within fifty years next before the *Teste* of the same *Writ*, or bringing such action.

Actions, by writ of entry upon disseizin, limited.

And be it further enacted by the authority aforesaid, That no person or body-corporate or politic, shall sue for, have or maintain any action for any lands, Tenements or Hereditaments, upon his or their own seizin or possession therein, above thirty years next before the *Teste* of the same *Writ*.

Limitation of actions of seizen or possession.

And be it further enacted by the authority aforesaid, That all Writs of *formedon in descender*, *Formedon in Remainder*, *Formedon in Reverter* of any Lands, Tenements or hereditaments whatsoever, hereafter to be sued or brought, shall be commenced within *Twenty years* next

Limitation, by writs of formedon in descender, &c.

Proviso.

after the title or cause of action first descended, and at no time after the said *Twenty years*. And no person, unless by judgment of Law, shall at any time hereafter make any *entry* into any lands, tenements or hereditaments, but within *Twenty years* next after his right or title first descended or accrued to the same; and in default thereof such person so not entering, and his heirs, shall be utterly excluded and disabled from making such entry thereunto. *Provided always*, that when any person, that is or shall be intitled to any of the Writs of *formedon* aforesaid; or to make an entry, into lands, tenements or hereditaments, shall at the time the said Right or Title first descended, accrued or fell, be within the age of twenty-one years, feme-covert, non compos, imprisoned, or beyond seas, or without the limits of the United States, that then such person shall and may bring such suit or make such entry at any time within ten years after the expiration of the said *Twenty years* aforesaid, and not afterwards.

July 4, 1786.

1786. — Chapter 14.

[May Session, ch. 14.]

Chap. 14. AN ACT FOR ERECTING THAT PART OF THE TOWN OF *FALMOUTH*, IN THE COUNTY OF *CUMBERLAND*, COMMONLY CALLED THE *NECK*, INTO A TOWN BY THE NAME OF *PORTLAND*.

Boundaries.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, that part of the Town of *Falmouth* aforesaid, and the Inhabitants thereof and their estates, included within the following bounds, viz. : Beginning at the middle of the Creek that runs into *Round Marsh* (so called) thence north east, to *Backcove Creek*, thence down the middle of that Creek to *Back-Cove*, thence across said *Cove* to *sandy point*, thence round by *Casco Bay* to *Fore River*, thence up *Fore river*, to the first bounds together with all the Islands that now belong to the first Parish in said *Falmouth*, be, and they hereby are incorporated into a Town by the name of *Portland*, and are hereby invested with all the powers, privileges, and immunities, that Towns within this Commonwealth do, or ought by Law to have and enjoy.

Incorporated & invested with powers.

And be it further enacted by the authority aforesaid, that the several Collectors of the said Town of *Falmouth*

are hereby authorized to collect and pay the taxes, to them already committed respectively, agreeably to their several warrants, any thing in this Act to the contrary notwithstanding.

Collectors of
Falmouth
authorized.

And be it further enacted by the authority aforesaid, that the Treasurer of the Town of *Falmouth* shall make a fair settlement and adjustment of his accounts as they stood before the passing this Act, and if a balance shall remain in his hands, the Inhabitants of the Town of *Portland* shall receive their just and due proportion thereof: and if upon such settlement the Town of *Falmouth* shall be in arrears, the Inhabitants of the Town of *Portland* shall pay their just and due proportion thereof, as hereafter in this Act is settled.

Treasurer of
Falmouth
to make a fair
settlement.

And be it further enacted, That the land belonging to the Town of *Falmouth* before the passing of this Act, and the Town stock of Powder, shall be set off and divided, four ninths to the Town of *Portland*, and the other five ninths to the town of *Falmouth*, and the Town of *Portland* shall pay four ninths of the taxes which have been heretofore imposed by the General Court, upon the Town of *Falmouth*; and the Assessors of the said Towns respectively, are hereby impowered and directed to assess all taxes, which were due from the said Town of *Falmouth*, before the passing of this Act, to the County or Commonwealth, agreeably to the proportion aforesaid; and the Towns aforesaid shall be charged in the same proportion, in all future taxes, until the General Court shall otherwise determine. And the public landings shall be in common to the Inhabitants of both Towns.

Town land
and stock to be
divided, &c.

And be it further enacted by the authority aforesaid, that the said Town of *Portland* shall be the Shire Town of said County, and that the Supreme Judicial Court, and Courts of Common pleas, and General Sessions of the Peace, by Law appointed to be holden at *Falmouth*, shall in future be holden in the said Town of *Portland*, on the same days respectively, in which they were by Law required to be holden at *Falmouth* aforesaid, any Law to the contrary notwithstanding.

Portland to be
the Shire Town.

And be it further enacted by the authority aforesaid, that the poor now maintained by the Town of *Falmouth*, shall be supported by the two Towns, in the proportion aforesaid. And if any person or persons heretofore belonging to the Town of *Falmouth* aforesaid, and who have

Poor, how sup-
ported.

removed from thence, shall be returned thither again, and become a public charge, the same shall be paid by the two Towns aforesaid, in proportion to the tax laid on them severally from time to time.

Bounds of parishes to remain as heretofore.

And be it further enacted by the authority aforesaid, that nothing in this Act shall in any wise affect or alter any of the bounds of the several Parishes within the Town of *Falmouth*, but the same shall be and remain as heretofore by law established, any thing in this Act to the contrary notwithstanding.

Town of Portland to support Pride's bridge, &c.

And be it further enacted, that the Inhabitants of the Town of *Portland* shall from time to time amend and repair *Pride's* bridge, on *Presumscutt River*, and the great bridge on *Fore River*, (so called) although the same be not included within the limits of *Portland* aforesaid.

Tract of land without the limits, annexed to Portland.

And be it further enacted, that a certain tract of land without the limits of the Town of *Portland*, and containing about one hundred and eighty acres, belonging to *Samuel Dean*, *Joshua Freeman* and *Elizabeth Wise*, and which descended to them from *Moses Pearson*, late of *Falmouth* aforesaid, Esq; deceased, be, and the same is, hereby annexed to the Town of *Portland*, and shall be considered as part thereof; and the lands granted to the First Parish in said *Falmouth*, for the support of the ministry there, are hereby annexed to said Town of *Portland*, and shall be considered as part thereof, and shall enjoy the immunities that the other ministerial lands in said *Falmouth* have and enjoy, the same being without the limits of the Town of *Portland* notwithstanding, so long as they continue ministerial lands, and no longer.

Enoch Freeman, Esq; to call a meeting.

And be it further enacted that *Enoch Freeman*, Esq; be, and he hereby is directed to issue his warrant to some principal Inhabitant of *Portland*, requiring him to notify and warn the Inhabitants of said Town of *Portland*, qualified by Law to vote in Town affairs, to meet at such time and place as therein shall be set forth, to chuse such Officers as any of the Towns within this Commonwealth by law have a right to elect; and the Officers so chosen shall take the respective oaths by Law required to be by them taken.

Proviso.

Provided nevertheless, that nothing in this Act shall be construed to affect any grants of land made to the first Parish in *Falmouth* aforesaid, but such lands shall be the

estate of the Society which before the passing of this Act was called the First Parish in *Falmouth*, any thing in this Act to the contrary notwithstanding. *July 4, 1786.*

1786. — Chapter 15.

[May Session, ch. 15.]

AN ACT AGAINST COUNTERFEITING, OR UTTERING COUNTERFEIT COIN. *Chap. 15.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that if any person shall forge, or counterfeit any silver or gold money, or coin, the currency of which is or shall be established and regulated by Law, or shall forge or counterfeit any silver or gold money, or coin, that is or shall be current in this Commonwealth, he shall be fined, at the discretion of the Court; be set in the pilory for the space of one hour, and then have one of his ears cut off; and from thence be drawn to the gallows, and set thereon with a rope about his neck for the space of one hour, and shall be whipped, not exceeding forty stripes, and shall then be sentenced to hard labour for a term of not more than seven years.

Penalty for counterfeiting or forging any gold or silver money.

And be it further enacted, that if any person shall colour, guild, or case over with gold, or silver, or with any wash or materials producing a colour resembling that of gold or silver, any coin resembling any money, or coin, the currency of which is or shall be established and regulated by Law, or which is, or shall be current in this Commonwealth, or any pieces of coarse gold or of coarse silver, or of other metals, with an intent that it shall be coined into counterfeit milled money, resembling the established or current money or coin in this Commonwealth, as aforesaid; or into pieces resembling the gold coin established, or current in this Commonwealth, as aforesaid; or that shall wash, guild, or colour any lawful, or counterfeit silver coin, with intent to make such silver coin resemble any gold coin, established or current in this Commonwealth, as aforesaid; or that shall wash, guild or colour, or any ways alter any copper coin, with an intent to make it resemble, either the silver or gold coin, the currency of which is or shall be established, and regulated by Law, or which is, or shall be current in this Commonwealth, being convicted thereof, such person

Penalty for colouring or gilding any coin resembling gold or silver.

shall be adjudged guilty of forging and counterfeiting the money or coin, established or current in this Commonwealth, and shall suffer the same punishments which are before in this Act assigned for such crime.

Penalty for uttering any such false money.

And be it further enacted, that if any person shall utter any such false money, or coin, forged and counterfeited to the similitude of the silver or gold money, or coin, the currency of which is or shall be regulated and established by Law, or that is, or shall be current in this Commonwealth, knowing the same to be false, forged and counterfeited, such person being thereof convicted, shall be punished by fine, not exceeding *one hundred pounds*, be set in the pillory one hour, be whipt, not exceeding twenty stripes, have one ear cut off, be bound to the good behaviour or confined to hard labour, not exceeding three years.

Penalty for bringing into this Commonwealth, or being possessed of any false or forged money.

And be it further enacted, That if any person shall bring into this Commonwealth, any such false, forged and counterfeited money, or coin, or be possessed of any such false, forged and counterfeit money or coin, as in this Act is before described, knowing the same to be false, forged and counterfeit, with an intent to utter and pass the same, such person shall be fined a sum not exceeding *fifty pounds*, be whipped, not exceeding twenty stripes, and be bound to the good behaviour.

Persons knowingly making or mending any tool whatsoever, for counterfeiting gold or silver money.

And be it further enacted, that if any person shall knowingly make, or mend, or begin to make, or mend, any engine, press, stamp, mould, pattern, dye, puncheon or any tool whatsoever, used, adapted or designed for the coining, forging or counterfeiting gold or silver money, or coin, the currency of which is, or shall be regulated and established by Law, or which is, or shall be current in this Commonwealth, with an intent to use, or with an intent, or expectation, that the same should be used and employed, in forging and counterfeiting such silver or gold money, or coin, and be thereof convicted, such person shall suffer the same punishment, as is herein before provided, for forging and counterfeiting silver or gold money, or coin, current in this Commonwealth.

Penalty.

Persons having in possession any such tool.

And be it further enacted, that if any person shall have in his possession any such engine, press, stamp, mould, pattern, dye, puncheon, or any tool or material whatsoever, used, adapted or designed for the coining, forging, or counterfeiting such silver or gold money, or coin, as is

herein before described, with an intent to use and employ the same, or that they should be used and employed, in coining, forging or counterfeiting such silver or gold money, or coin, as aforesaid, being thereof convicted, such person shall suffer the same punishment as is herein before provided, for being knowingly possessed of such false and counterfeit money and coin, with an intent to utter the same. Penalty.

And be it further enacted, that if any person shall forge or counterfeit any copper money or coin, to the similitude and appearance of the copper money or coin, the currency whereof is or shall be established and regulated by Law, he shall be fined, not exceeding *thirty pounds*, be whipped, not exceeding twenty stripes, be bound to the good behaviour, and imprisoned, not exceeding three months. Penalty for counterfeiting copper money.

And be it further enacted, that if any person shall knowingly bring into this Commonwealth, any such false, forged and counterfeit copper money, or coin, with an intent to utter the same, such person shall, upon conviction thereof, be punished by fine, not exceeding *fifty pounds*; by imprisonment, not exceeding six months; shall be whipped, not exceeding twenty stripes, and be bound to the good behaviour. Penalty for bringing into this Commonwealth counterfeit copper money.

And be it further enacted, That whosoever shall inform of any of the foregoing offences, so as the Offenders may be convicted of the same, shall receive out of the public Treasury the following rewards, *viz.* for informing of, and prosecuting to conviction, one or more persons, guilty of the same forging or counterfeiting any silver or gold, or making or mending any engine or tool for forging and counterfeiting silver or gold money, or coin, as described in this Act, the sum of *twenty-five pounds*; and for informing and bringing to conviction, one or more persons, guilty of uttering any false silver or gold coin, or money, knowingly, or of bringing the same into this Commonwealth, with an intent to utter it, or of having any engine, press or tool whatsoever for coining the same, as before described, the sum of *fifteen pounds*; in order to which, two of the Justices of the Supreme Judicial Court, shall give to such person as shall appear to them to be the informer, a Certificate of the conviction and of the name of the prosecutor; and if any dispute shall arise between several persons, claiming to be prosecutors, the said Justices shall determine to whom the Rewards for informing of offences.

reward shall be paid, and if to more than one, then in what proportion.

Justices of the Supreme Judicial Court, may abate any part of the penalties, at their discretion.

And be it further enacted, That the Justices of the Supreme Judicial Court, before whom all persons, charged with any of the offences before described, shall be tried, may and shall at their discretion, abate any part of the pains and penalties aforesaid, according to the circumstances of the Offence.

Persons convicted a second time, how punished.

And be it further enacted, that if any person shall be convicted a second time of any of the Offences described in this Act, he may be punished as is mentioned herein, for the first conviction of the same offence, and also by confinement to hard labour for life, or any term of years, according to the nature of the offence, at the discretion of the Court.

All other acts against counterfeiting money, repealed.

And be it further enacted, that all other Acts, against clipping, diminishing, or counterfeiting any coined money, established by Law, or current in this Commonwealth, be, and they hereby are repealed.

July 4, 1786.

1786. — Chapter 16.

[May Session, ch. 16.]

Chap. 16. AN ACT FOR SUSPENDING THE OPERATION OF AN ACT, ENTITLED, "AN ACT FOR THE REGULATION OF NAVIGATION AND COMMERCE."

Preamble.

Whereas the good intentions of an Act, entitled, "An Act for the regulation of Navigation and Commerce," passed in the Year of Our LORD, One thousand seven hundred and eighty-five, are rendered inefficacious, for want of a co-operation of our sister States, in the salutary principles contained in the said Act: Therefore

Operation of the act suspended.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the operation of the aforesaid Act, and every part thereof, be, and hereby is, suspended, until the other States in the Union shall have passed Acts, similar to the Act which is hereby suspended.

Proviso.

Provided nevertheless, that all suits and prosecutions instituted, or which may hereafter be instituted, on account of any breach of the Act hereby suspended, before the passing this Act, shall be sustained and prosecuted to final judgment and execution, any thing in this Act to the contrary notwithstanding.

July 5, 1786.

1786. — Chapter 17.

[May Session, ch. 17.]

AN ACT FOR GRANTING TO THE UNITED STATES, A TAX UPON *Chap. 17.*
 THE POLLS AND ESTATES WITHIN THIS COMMONWEALTH,
 TO OPERATE AS A SUPPLEMENTARY FUND TO THE CONTI-
 NENTAL IMPOST, AGREEABLY TO THE RECOMMENDATION OF
 CONGRESS, OF THE EIGHTEENTH OF APRIL, ONE THOUSAND
 SEVEN HUNDRED AND EIGHTY THREE.

Whereas Congress, on the twenty-ninth day of April, *Preamble.*
one thousand seven hundred and eighty three, made the
following estimate of the National Debt, viz.

	<i>Livers.</i>	
Due to the Farmers General of <i>France</i> , . . .	1,000,000	
To Individuals in <i>France</i> , on unliquidated accounts, estimated, ...	3,000,000	
To the Crown of <i>France</i> , including a loan of 10,000,000 borrowed in <i>Holland</i> , and for which <i>France</i> is guarantee, ...	28,000,000	
To ditto a loan for 1783, ...	6,000,000	
	38,000,000	
		<i>Dollars.</i>
At five Livers eight sous per dollar, . . .		7,037,037
To lenders in <i>Holland</i> , received in part of the Loan contracted for by Mr. <i>J. Adams</i> , 1,678,000 Florins, ...		671,200
Borrowed in <i>Spain</i> , by Mr. <i>Jay</i> , ...		150,000
One year's Interest of Dutch Loan of 10,- 000,000 livers, ...		26,848
Foreign debt, 1st <i>January</i> , 1783, ...		7,885,085

Domestic Debt.

	<i>Dollars.</i>	
On Loan Office certificates, reduced to Specie Value, ...	11,463,802	
Interest unpaid for 1781, ...	190,000	
Ditto, 1782, ...	687,828	
Credit to sundries in Treasury Books, ...	638,042	
Army debt, to 31st <i>December</i> , 1782, ...	5,635,618	
Unliquidated Debt estimated at	8,000,000	
Commutation to the army, agreeable to the act of 22d <i>March</i> last, ...	5,000,000	
Bounty due to Privates, ...	500,000	
Deficiencies in 1783, suppose	2,000,000	
	34,115,290	
Total Debt, ...		42,000,375

Annual Interest of the Debt of the United States.

On Foreign Debt, part at four per cent. and part at five per cent.	369,038 6
On the Domestic Debt, at six per cent.	2,046,917 4
	2,415,956

And whereas Congress, on the eighteenth of April one thousand seven hundred and eighty-three, came into the following Resolution, viz.

Resolve of Congress, of the 18th of April, 1783.

Resolved, By nine States, that it be recommended to the several States, as indispensibly necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy for the use of the United States, the following duties upon goods imported into the said States, from any foreign port, island or plantation.

Upon all Rum of Jamaica proof per gallon, four ninetieths of a dollar,

Upon all other Spirituous Liquors, three ninetieths of a dollar,

Upon Madeira Wine, twelve ninetieths of a dollar,

Upon all other Wines, six ninetieths of a dollar,

Upon common Bohea Tea, per pound, six ninetieths of a dollar,

Upon all other Teas, twenty-four ninetieths of a dollar,

Upon Pepper per pound, three ninetieths of a dollar,

Upon Brown sugar, per pound, half ninetieth of a dollar,

Upon Loaf sugar, two ninetieths of a dollar,

Upon all other sugars, one ninetieth of a dollar,

Upon Molasses per gallon, one ninetieth of a dollar,

Upon Cocoa and Coffee per pound, one ninetieth of a dollar,

Upon all other goods, a duty of *five per cent. ad valorem* at the time and place of importation.

Provided, That none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States for supporting the war, agreeably to the resolution of the sixteenth day of *December* last, nor be continued for a longer term than twenty-five years; and provided that the Collectors of the said duties shall be appointed by the States within which their Offices are to be respectively exercised; but when so appointed, shall be amenable to and removeable by the United States in Congress assembled, alone; and in case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress assembled.

That it be further recommended to the several States, to establish for a term limited to twenty five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war, substantial and effectual revenues, of such nature as they may judge most convenient, for supplying their respective proportions of *one million five hundred thousand dollars* annually, exclusive of the aforementioned duties, which proportion shall be fixed and equalized from time to time, according to the rule which is or may be prescribed by the articles of confederation; and in case the revenues established by any State, shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it; and in case the revenues of any State shall be found to be deficient, the immediate deficiency shall be made up by such State with as little delay as possible, and a future deficiency guarded against by an enlargement of the revenues established; *provided*, That until the rule of the confederation can be carried into practice, the proportions of the said *one million five hundred thousand dollars*, shall be as follows, viz.

New Hampshire, *Fifty two thousand seven hundred and eight.*

Massachusetts, *Two hundred twenty four thousand, four hundred and twenty seven.*

Rhode Island, *Thirty two thousand, three hundred and eighteen.*

Connecticut, *One hundred thirty two thousand and ninety one.*

New York, *One hundred twenty eight thousand, two hundred and forty three.*

New Jersey, *Eighty three thousand, three hundred and fifty eight.*

Pennsylvania, *Two hundred five thousand, one hundred and eighty nine.*

Delaware, *Twenty two thousand, four hundred and forty three.*

Maryland, *One hundred forty one thousand, five hundred and seventeen.*

Virginia, *Two hundred fifty six thousand, four hundred and eighty seven.*

North Carolina, *One hundred nine thousand and six.*

South Carolina, *Ninety six thousand, one hundred and eighty three.*

Georgia, *Sixteen thousand and thirty.*

The said last mentioned revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the States, within which they shall be collected.

That an annual account of the proceeds and application of all the aforementioned revenues, shall be made out and transmitted to the several States, distinguishing the proceeds of each of the specified articles, and the amount of

the whole revenue received from each State, together with the allowances made to the several Officers employed in the collection of the said revenues.

That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State, after which unanimous accession, however, they shall be considered as forming a mutual compact among all the States, and shall be irrevocable by any one or more of them, without the concurrence of the whole, or of a majority of the United States in Congress assembled.

And whereas Congress, on the twenty-ninth day of April, one thousand seven hundred and eighty three, made an Estimate of the Revenue of the Impost, in the words following:

An Estimate of the Produce of the Impost on imported Articles.

Estimate of the revenue of the impost, made by Congress on the 29th April, 1783.

Before the war the exports from *Great Britain to America*, were estimated at *three and a half millions*, sterling, in which was included Tea; but there were importations from *Ireland and Scotland*, as well as from *Holland*, not included in that estimate. It is now thought best to estimate the Imports of all goods from *Europe*, exclusive of Tea, Brandy and Wine, at *three million, five hundred thousand pounds*, sterling, at *four shillings and six pence* per dollar, is *fifteen million, five hundred fifty five thousand five hundred and fifty four Dollars*.

	Dollars.	90ths
Impost of <i>five per cent. ad valorem</i> , ...	777,773	
On 2,000,000 Gallons of Rum and other spirits, three ninetieths per gallon, ...	66,666	60
100,000 ditto Madeira Wine, twelve ninetieths of a dollar, ...	13,333	30
600,000 ditto other Wine, six ninetieths, ...	40,000	
300,000 lb. Bohea Tea, six ninetieths, ...	20,000	
25,000 ditto other Teas, twenty-four ninetieths, 75,000 cwt. Sugar, including Loaf, fifty six nine- tieths, ...	6,666	
200,000 lb. Coffee and Cocoa, one ninetieth, ...	2,222	
2,000,000 Gallons Molasses, one ninetieth, ...	22,223	
	995,550	
Deduct for collection about eight per cent.	79,594	
Net revenue upon this estimate, ...	915,956	

There are no precise data from which this computation could be made with any degree of certainty. The number

of inhabitants has governed in part, and the imports of particular articles into the Port of *Philadelphia*, have been attended to. The exactitude of the computation is of the less consequence as the Act of the 16th of *December* 1782, provides that if the revenue shall at any time exceed the annual interest, the residue shall form a sinking fund for the discharge of the principal; and if it shall be found insufficient, the States will be called upon to enlarge their grants of revenue.

And Whereas Congress, on the fifteenth of February last, accepted a Report of a Committee, and adopted sundry Resolutions, in the words following:

REPORT,

That in pursuance of the above reference, they have carefully examined the Acts of the several States, relative to the general system of revenue recommended by Congress, on the eighteenth of *April*, one thousand seven hundred and eighty three, and find that the States of *Delaware* and *North Carolina*, have passed Acts in full conformity with the several parts thereof, the former of which States has inserted a proviso in their Act, restraining the operation thereof, until each of the other States shall have made a like, and equally extensive grant; that the States of *New Hampshire*, *Massachusetts*, *Connecticut*, *New Jersey*, *Virginia*, and *South Carolina*, have each passed Acts complying with that part of the system, which recommends a general impost, but have come to no decision, on the other part, which proposes the establishment of funds, supplementary to, and in aid of the general impost; that the State of *Pennsylvania*, has passed an Act complying with the recommendation of the general impost, and in the same act has declared, that their proportion or quota, of the supplementary funds, shall be raised and levied on the persons and estates of the inhabitants of that State, in such manner as the Legislature thereof, shall from time to time direct, with this proviso, that if any of the annual proportion of the supplementary funds shall be otherwise raised and paid to the United States, then such annual levy or tax, shall be discontinued: The Committee conceive that this clause is rather an engagement that *Pennsylvania* will provide adequate supplementary funds, than an actual establishment thereof; nevertheless, the act contains a proviso, restraining its operation, until each of the other

Report of committee of Congress, accepted and adopted by them, on the 15th of February, 1786.

States shall have passed laws in full conformity with the whole of the revenue system aforesaid: The Committee farther find that the State of *Rhode Island* has passed an act on this subject, but so different from the plan recommended, and so wholly insufficient, that it cannot be considered as a compliance with any part of the system submitted for their adoption; that the State of *Maryland* passed an act in One thousand seven hundred and eighty two, and a supplement thereto, in seventeen hundred eighty four, complying with the recommendation of Congress of the third of *February*, Seventeen hundred eighty one, which recommendation is not compatible with, and was relinquished by the resolves of Congress of the eighteenth of *April*, seventeen hundred eighty three; but that neither the State of *Maryland*, *New York* nor *Georgia*, has passed any act in pursuance of the system of the eighteenth of *April*, Seventeen hundred and eighty three.

From this statement it appears, that seven States, *viz.* *New Hampshire*, *Massachusetts*, *Connecticut*, *New Jersey*, *Virginia*, *North Carolina*, and *South Carolina*, have granted the impost in such manner, that if the other six States had made similar grants, the plan of the general impost might immediately begin to operate; that two other States, *viz.* *Pennsylvania* and *Delaware*, have also granted the impost, but have connected their grants with provisos, which will suspend their operation until all the other States shall have passed laws in full conformity with the whole of the revenue system aforesaid; that two only of these nine States, *viz.* *Delaware* and *North Carolina*, have fully acceded to that system in all its parts; and that the four other States, *viz.* *Rhode Island*, *New York*, *Maryland* and *Georgia*, have not decided in favour of any part of the system of revenue aforesaid, so long since, and so repeatedly presented by Congress for their adoption.

The Committee have thought it their duty, candidly to examine the principles of this system, and to discover if possible, the reasons which have prevented its adoption; they cannot learn that any member of the confederacy has stated, or brought forward any objections against it, and the result of their impartial enquiries into the nature and operation of the plan, has been a clear and decided opinion, that the system itself is more free from well founded exceptions, and is better calculated to receive the approbation of the several States, than any other that the wisdom of Congress can devise.

In the course of this enquiry, it most clearly appeared, that the requisitions of Congress for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source from whence monies are to be drawn, to discharge the engagements of the confederacy, definite as they are in time and amount, would be not less dishonorable to the understandings of those, who entertain such confidence, than it would be dangerous to the welfare and peace of the union: The Committee are therefore seriously impressed with the indispensable obligation that Congress are under, of representing to the immediate and impartial consideration of the several States, the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the States; and the consequent necessity of an early and complete accession of all the States, to the revenue system of the eighteenth of *April*, seventeen hundred eighty three.

Although in a business of this magnitude and importance to the respective States, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the Committee cannot forbear to remark, that this plan has been under reference for nearly three years; that during that period numerous changes have taken place in the delegations of every State, but that this system has received the repeated approbation of each successive Congress, and that the urgency of the public engagements at this time, renders it the unquestionable duty of the several States to adopt, without further delay, those measures, which alone, in the judgment of the Committee, can preserve the sacred faith of this confederacy.

The following state of facts must convince the States of the propriety of urging this system with unusual anxiety at this period.

	Dollars. 90ths.	
That the sum necessary to discharge the interest on loans of the King of <i>France</i> , to the first of <i>January</i> , 1787, is	240,740	60
For interest on certificates to foreign Officers, made payable in <i>France</i> , to the first of <i>January</i> , 1787, .	22,370	0
For interest on the <i>Spanish</i> loan, to the 21st <i>March</i> , 1787, ...	48,596	55
For interest on the <i>Dutch</i> loans, to the first <i>June</i> , 1787,	265,600	0
	577,307	25

That although some of the objects of disbursement, are in the year 1787, the periods at which they become due, will shew the absolute necessity of an immediate provision for them.

That notwithstanding some of the above sums do not fall due until 1787, yet exclusive of the same, there will be due on the *French* and *Dutch* loans, in that year, one million two hundred fifty two thousand, nine hundred and thirty eight dollars, and fifty seven ninetieths, and during the nine succeeding years, that is, until the year one thousand seven hundred and ninety seven, including the payment of the interest and the partial reimbursements of the capitals of the *French* and *Dutch* loans, the average sum of near one million of dollars annually; for the certain obtaining of which, at fixed periods, effectual measures can no longer be delayed. More fully to illustrate this subject, the Committee annex a schedule of the *French* and *Dutch* loans, shewing the periods of their redemption, with the annual interest payable thereon, until their final extinction; in addition to the above foreign demands, the interest on the *Spanish* loan, and on the debts due to foreign Officers, must be provided for and annually paid: The amount of these annual demands will be greatly increased by adding the annual interest on the domestic debt, the whole of which is not yet liquidated, and the aggregate whereof, will consequently be enlarged beyond its last estimate.

The Committee contemplate, with great satisfaction, the prospect of extinguishing a part of the domestic debt, by the sales of the western territory of the United States; but a considerable time must elapse before that country can be surveyed and disposed of; and the domestic creditors, until that event, must depend for support on the justice of their country: The revenue system, if adopted, would afford this support, and enable Congress to fulfill the public engagements with their foreign creditors. The whole product of this system is appropriated for the payment of the principal and interest of the national debt, and no part thereof can be diverted to other purposes.

That it has been the earnest wish of Congress, to prevent the vast accumulation of foreign interest that now exists, appears from their estimates and requisitions of the twenty seventh of *April*, one thousand seven hundred and eighty four, and the twenty seventh of *September*, one

thousand seven hundred and eighty five ; and the following abstract, taken from the books of the treasury, of the amount of monies brought into the federal treasury, in the course of the four last years, *viz.* between the first of *November*, one thousand seven hundred and eighty one, and the first of *January*, one thousand seven hundred and eighty six, will shew the little success of requisitions, and demonstrate the inadequacy of their products, to maintain the federal government, and at the same time, to discharge the annual public engagements.

	Dollars.	90ths.
The receipts of taxes from the first <i>November</i> , 1781, to the first <i>November</i> , 1784, amount to	2,025,089	34
From the first <i>November</i> , 1784, to the first <i>January</i> , 1786, ...	432,897	81
Total, ...	2,457,987	25

Thus it is evident, that the sum of *two million, four hundred fifty seven thousand, nine hundred eighty seven dollars, and twenty five ninetieths* only, was received in a space of more than four years, when the requisitions, in the most forcible manner, pressed on the States, the payment of much larger sums, and for purposes of the highest national importance. It should be here observed that the receipts of the last fourteen months, of the above period, amount only to *four hundred thirty two thousand, eight hundred ninety seven dollars, and eighty one ninetieths*, which is at the rate of *three hundred seventy one thousand, and fifty two dollars*, per annum, a sum short of what is essentially necessary for the bare maintenance of the Federal Government on the most economical establishment, and in time of profound peace.

The Committee observe, with great concern, that the security of the navigation and commerce of the citizens of these States from the Barbary powers, the protection of the frontier inhabitants from the savages, the immediate establishment of military magazines in different parts of the union, rendered indispensable by the principles of public safety, the maintenance of the federal government at home, and the support of the public servants abroad, each and all depend upon the contributions of the States under the annual requisitions of Congress. The monies essentially necessary for these important objects, will so far exceed the sums formerly collected from the States by taxes, that no hope can be indulged of being able, from

that source, to make any remittances for the discharge of foreign engagements.

Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the Committee are of opinion that it has become the duty of Congress to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the Federal Government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad ; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously and so honourably contended.

Resolved, That Congress agree to the said report : And to the End that Congress may remain wholly acquitted from every Imputation of a Want of Attention to the Interest and Welfare of those whom they represent :

Resolved, that the requisitions of Congress of the 27th of *April*, 1784, and the 27th of *September*, 1785, cannot be considered as the establishment of a system of general revenue, in opposition to that recommended to the several States by the resolves of Congress of the 18th of *April*, 1783.

Resolved, that the resolves of Congress of the 18th of *April*, 1783, recommending a system of general revenue, be again presented to the consideration of the Legislatures of the several States which have not fully complied with the same : that it be earnestly recommended to the legislatures of *New Hampshire*, *Massachusetts*, *Connecticut*, *New Jersey*, *Pennsylvania*, *Virginia* and *South Carolina*, which have complied only in part with the said system, completely to adopt the same ; and to the legislatures of the States of *Rhode Island*, *New York*, *Maryland*, and *Georgia*, which have not adopted the said system, either in whole or in part, to pass laws without further delay, in full conformity with the same. But as it is highly necessary that every possible aid should, in the most expeditious manner, be obtained to the revenues of the United States, it is therefore recommended to the several States, that, in adopting the said system, they

enable the United States in Congress assembled, to carry into effect that part which relates to the impost, so soon as it shall be acceded to.

Resolved, That whilst Congress, are denied the means of satisfying those engagements, which they have constitutionally entered into, for the common benefit of the Union, they hold it their duty to warn their constituents, that the most fatal Evils will inevitably flow from a breach of public faith, pledged by solemn contract, and a Violation of those principles of justice, which are the only solid basis of the honor and prosperity of nations. —

And whereas it clearly appears from the Acts and proceedings aforesaid:

First, That if the commercial importations of the United States, were equal at this time, to their importations previous to the war, the revenue would be but *Nine hundred and fifteen thousand, nine hundred and fifty six dollars*, which sum is much greater than may be reasonably expected from this resource, under the present circumstances of our commerce.

Secondly, That if the whole sum in the impost estimate could be collected, it would be inadequate to the payment of the interest and instalments of the principal of the *French and Dutch* loans, whereon will be due in the year 1787, *one million, seven hundred, fifty nine thousand two hundred and seventy nine dollars, and twenty seven nine-tieths*, and during the nine succeeding years, the average sum of near *one million dollars* annually, exclusive of the *Spanish* loan, and debts due to foreign officers.

Thirdly, That altho Congress have been driven into the temporary expedient of annual requisitions; yet they consider them as wholly insufficient for the purpose of a national revenue; inasmuch as no mode can by such requisitions be adopted to secure a punctual compliance therewith. And whilst some of the States make voluntary exertions, to comply with such requisitions, those exertions have been, and must continue to be ineffectual thro the want thereof in other States.

Fourthly, That the several States having had three years to deliberate on the revenue system, proposed by Congress, the 18th of *April*, 1783, the Representatives of the United States, after the most careful revision, have solemnly declared, that this System is the best, that the wisdom of Congress can devise: that the most

fatal evils will inevitably flow from a breach of public faith: and that a delay to adopt a general revenue, will hazard the existence of the Union.

Fifthly, That if the representations of Congress, which have ever been consistent with truth, are in this instance to be relied on, there is imminent danger of a dissolution of the union, unless the revenue system which Congress have proposed is speedily adopted: For if any one or more of the States will not comply with the plan agreed to by the joint Council of the whole, there is not the least probability that twelve States will concur in any plan that the thirteenth State shall accommodate to its own views and inclinations.

Sixthly, That the adopting the revenue system in part, will as effectually defeat it, as the rejecting it in whole; because such of the States as previous to the 15th of *February*, 1786, and subsequent to that time have acceded to the whole of the System, have made it a condition that it shall be wholly complied with by the other States before it can be carried into effect; and Congress have declared that an early and complete accession of all the States to the said revenue system, is indispensably necessary.

Seventhly, That as Congress expressly declare, no part of the revenue called for can be applied to any other purpose than the payment of the principal and interest of the national debt; should this be paid by the sale of lands, or by any other mode, before the expiration of twenty five years, the grant of the revenue must from the time of such payment be void.

And whereas in an alternative, wherein this State must comply with a federal plan for discharging the just demands of the public creditors, or hazard a dissolution of the Union, the State cannot hesitate to use every exertion for fulfilling their engagements in the mode adopted by the revenue system of Congress; because justice, honor, and good policy require a strict adherence to those engagements, and the welfare of the Nation must be promoted thereby: And because a dissolution of the Union would be productive of a state of anarchy, which must necessarily be followed by the establishment of an arbitrary government, either foreign or domestic; by the devastation of the Country, and by a great expence of blood and treasure: Therefore

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That there be and there is hereby granted to the United States in Congress assembled, the sum of *Two hundred twenty four thousand four hundred and twenty seven dollars*, annually, for the term of twenty five years, from and after the beginning of the operation of this Act, on this express condition, that the aforesaid sum, or such part or proportion thereof as shall annually become due from this Commonwealth, shall and may be paid in facilities or certificates, which shall be issued by Congress, for the interest or principal of the domestic debt, and shall not be paid or demanded in any other way or manner.

Grant to Congress, for the term of twenty-five years, on condition.

Provided nevertheless, that if the revenue arising from the whole Impost be not sufficient to pay the annual interest, and installments of the foreign debt, that then this Commonwealth's part or proportion of such deficiency be paid in gold or silver Coin, which sum the Treasurer of this Commonwealth for the time being, during the term aforesaid, is required and directed on receiving a Warrant from the Governor and Council therefor, annually, to pay into the Continental Treasury, or to such officer as shall by the United States in Congress assembled be appointed to receive the same. *Provided always*,

Proviso.

And be it further enacted, that the Grant aforesaid of *two hundred and twenty four thousand, four hundred and twenty seven Dollars*, shall from time to time, be regulated and apportioned by the rule, which is or may be prescribed by the Eighth article of the confederation, agreeably to the provision made therefor in the said requisition of Congress of the eighteenth of *April*, One thousand seven hundred and eighty three.

Grant, how regulated and apportioned.

Be it further enacted by the Authority aforesaid, that if there shall be a failure of the payment as aforesaid, during the space of one year within the term of this grant, there shall be and there hereby is granted to the United States in Congress Assembled, power to levy and collect annually, for the use of the United States, a tax of *Two hundred twenty four thousand, four hundred and twenty seven dollars*, on the Polls and Estates within this Commonwealth, for that part of the twenty five years wherein there shall be a failure of payment as aforesaid, subject however to the same rule of apportionment as is provided in the aforesaid Grant; and to be paid in manner

In case of failure of payment for the space of one year, Congress empowered to levy and collect the same.

One Assessor & Collector to be annually appointed by the General Court, amenable only to Congress.

In case of a vacancy, occasioned by death, &c., how filled up.

Directions to Selectmen and Assessors respecting assessments.

as aforesaid; which tax shall be levied, apportioned, assessed and collected from the several towns, districts and plantations within this Commonwealth, in proportion to, and on the same principles of the last Valuation, that may have been taken by this Commonwealth; a copy of which valuation shall be transmitted to Congress for that purpose. *And it is further provided*, that one Assessor for this State, and one Collector for each County, of the said Tax, shall be annually appointed by the General Court of this Commonwealth, which Assessor and Collector, when so appointed, shall be only amenable to, and removable by, the United States in Congress Assembled. And in case of the death, resignation, or removal of any such Assessor or Collector, a successor shall be respectively appointed, within thirty days after the United States in Congress assembled shall give notice for that purpose, by the General Court, if sitting, and if not, by the Governor and Council: And if in any case, the General Court, and the Governor and Council shall neglect to supply a Vacancy occasioned as aforesaid, within the term of thirty days after notice as aforesaid, Power is hereby given to the United States in Congress Assembled, to supply and fill the same with any Citizen, being a freeholder of this Commonwealth: And the Assessor so appointed shall be and he hereby is empowered to assess the several towns, districts and plantations within this Commonwealth, in proportion to the aforesaid valuation, and transmit to the Selectmen or Assessors of each town, district and plantation, respectively, a copy of such Assessment, within thirty days from the making of the same. And the several towns, districts, and plantations within this Commonwealth, are hereby empowered to levy and collect the same. And the Selectmen and Assessors of each town, district and plantation, shall govern themselves in making such assessment, by the rules prescribed by the last tax Act that shall then be extant, and shall deliver to the Constable or Constables, Collector or Collectors of their town; district or plantation, a copy of such Assessment, with a Warrant annexed, empowering them to collect the same, with directions to pay the amount of their list to the Continental Collector, residing in the County where such town, district or plantation lies; And shall also transmit to the Continental Collector of their County, the name of the Constable or Constables, Collector or

Collectors, to whom such Assessment is committed, with the amount of the same.

And be it further enacted by the authority aforesaid, That the Continental Collectors appointed as aforesaid, are hereby authorized and impowered, in case any of the said Constables or Collectors shall refuse or neglect to satisfy the same within twelve months after the aforesaid Assessment was made on the Commonwealth, to make distress on the Estate of such deficient Constable or Collector, for such sum as shall appear to be due on his list, and shall be invested with the same power, and be governed by the same rule in taking such Estate, as Sheriffs now are in extending execution in favor of the Commonwealth: And in case such deficient Constable or Collector hath not Estate sufficient to pay and satisfy the amount of his list, his town, district or plantation shall be held to make up the deficiency. And in case the Selectmen or Assessors of any town, district or plantation, shall refuse or neglect to make and compleat such Assessment, for the space of four months after the time the aforesaid Assessment was made on the Commonwealth, such delinquent Selectmen and Assessors shall be chargeable with the whole tax of their town, district or plantation; and the said Tax shall be recovered by the Continental Collector, in the same manner as is herein provided for deficient Constables and Collectors. And in case such deficient Selectmen or Assessors have not estate sufficient to answer the apportionment of such Tax on their town, district or plantation, the Continental Collector shall have power to make distress on the Goods and chattels of any other inhabitant or inhabitants of such town, district or plantation, in which case such inhabitants, other than such deficient Selectmen, assessors, constables, or collectors, having their property taken from them in consequence of a deficiency as aforesaid, shall have and maintain an action upon the case in any Court proper to try the same, and shall recover twofold damages for the injury he or they may have sustained in consequence of such distress. *Provided always,* that the said Continental Collector shall be confined, in the above granted powers, to the county for which he is appointed, and in which he shall reside. *Provided,* that no part of the said Tax shall be Applied to any other purpose than the discharge of the interest and principal of the debts contracted on the faith of the United

Continental Collectors empowered to make distress on the estate of deficient Constables, &c.

In case deficient Selectmen or Assessors have not estate sufficient, distress may be made on any inhabitant or inhabitants.

Proviso.

Tax, how applied, &c.

States, for supporting the late War; that all sums of money, which may be raised by said Tax, shall be carried to the particular credit of this Commonwealth; and that an annual account of the proceeds, and application of the said tax shall be transmitted to this State, together with the amount of the whole revenue received from each State, arising from like supplementary funds, as also an account of the allowances made to the several officers employed in the collection of the said Revenue.

Time when this act shall begin to operate, and how to continue in force.

And be it further enacted by the authority aforesaid, that this act shall be in force, and begin to operate as soon as the United States in Congress Assembled shall notify the General Court of this Commonwealth, that all the States in the Confederation have invested the United States in Congress assembled, with a power to levy for the use of the United States, certain duties upon goods imported into the respective States, agreeably to the requisition of the eighteenth of *April*, one thousand seven hundred and eighty three; and also shall give notice to the General Court of this Commonwealth, that all the other States in the Confederation have passed Acts, granting to the United States in Congress Assembled, supplementary funds agreeably to the said Requisition, to be appropriated in like manner, and for the term of twenty five years, in the nature of a Grant, sacred and irrevocable by any one or more of them, without the concurrence of the whole, or a majority of the United States in Congress assembled, unless in the mean time the General Court of this Commonwealth shall provide some other adequate fund, by Excise or otherwise, for the purpose aforesaid, to the acceptance of the United States in Congress assembled.

Proviso.

Provided also, that the monies arising from the said tax, and other monies that have been or may be appropriated for like purposes, be not sufficient to discharge the principal and interest, before the said term of twenty five years shall be expired. *Provided also,* and it is the true intent and meaning of this act, that no part thereof shall be in force or have any operation, only during the term of the operation of the Acts granting to the United States in Congress assembled, certain duties on goods imported, agreeably to the requisition aforesaid.

Proviso.

Provided also, that the Interest of such publick securities, comprized in the estimate of Congress, of the Domes-

tic National debt, of the twenty ninth of *April*, 1783, as are or may be in the Treasury of this Commonwealth, and the property of the same, not exceeding, with the certificates mentioned in the first clause of this Act, this State's proportion of the interest of the said Domestic debt, shall be allowed and discounted by Congress in part payment of this Grant.

July 5, 1786.

1786. — Chapter 18.

[May Session, ch. 18.]

AN ACT EMPOWERING THE AGENTS APPOINTED BY THIS GOVERNMENT, TO DEFEND THE TERRITORY ON THE WEST SIDE OF HUDSON'S RIVER, AGAINST THE CLAIMS OF THE STATE OF NEW YORK, TO SETTLE THE CONTROVERSY RELATIVE THERETO, OTHERWISE THAN BY A FÆDERAL COURT, IF THEY SHALL JUDGE EXPEDIENT.

Chap. 18.

Whereas it appears that the Legislative of New York, have by their Act empowered the Commissioners by them appointed for vindicating the right and jurisdiction of the State of New York, against the claim of this Commonwealth, to settle the controversy, otherwise than by a federal Court:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Agents or Commissioners appointed by this Government to defend the territory of this Commonwealth on the west side of Hudson's river against the claim of the State of New York, or the major part of the said Agents or Commissioners, be, and they are hereby fully authorized and impowered to agree with the Agents or Commissioners of the State of New York, and settle the controversy respecting the territory aforesaid, by a Fæderal Court, as appointed by virtue of the Confederation, or otherwise, in such way and manner as they shall judge will comport with justice, and the interest of this Commonwealth.

Agents empowered.

July 5, 1786.

1786. — Chapter 19.

[May Session, ch. 19.]

AN ACT FOR NATURALIZING JONATHAN CURSON AND WILLIAM OLIVER.

Chap. 19.

Whereas Jonathan Curson, late of Exeter, in Great Britain, now residing in Northampton, in the County of

Preamble.

Hampshire, in said Commonwealth, and William Oliver, late of Bridport, in Great Britain, now residing in Bridgetown, in the County of Cumberland, have petitioned the General Court that they may be naturalized:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Jonathan Curson and the said William Oliver, upon their taking the Oath of Allegiance to this Commonwealth, before two Justices of the Peace, shall be deemed adjudged and taken to be free Citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born citizens.

And be it further enacted, that the Justices before whom the said Jonathan Curson and William Oliver, may respectively take the Oath aforesaid, shall return a certificate thereof into the Secretary's office, to be entered on the Records of this Commonwealth.

July 7, 1786.

1786. — Chapter 20.

[May Session, ch. 20.]

Chap. 20. AN ACT TO DIVIDE THE SECOND PARISH OF THE TOWN OF SPRINGFIELD, INTO TWO PARISHES.

Preamble.

Whereas for the greater convenience of attending the public worship of GOD, it is found necessary, that that part of the second Parish of the Town of Springfield, which lieth on the west side of Connecticut river, should be made a separate and distinct Parish:

Boundaries.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid part of said Parish be and hereby is formed into a separate and distinct Parish, and shall be called and known by the name of the third Parish in West Springfield, and shall be bounded as follows, viz. Easterly by Connecticut river, northwardly by Northampton, westerly by Southampton, and southerly by the first Parish of West Springfield.

Inhabitants
invested with
powers.

And be it further enacted, that all the inhabitants within the limits and boundaries aforesaid, shall be considered as belonging to said Parish; and they are hereby invested with all powers, rights, privileges and immunities, which other Parishes in this Commonwealth are invested with.

Justin Ely, Esq;
to call a meet-
ing.

And be it further enacted, that Justin Ely, Esq; be, and hereby is impowered, to issue his Warrant to some

principal Inhabitant of said Parish, requiring him to notify and warn the Inhabitants thereof, to meet at such time and place, as by said warrant shall be duly specified, and then and there choose such Officers as may be necessary to manage the affairs of said Parish, and the inhabitants qualified by Law to vote, being so assembled, shall be and hereby are empowered to choose such Officers accordingly.

July 7, 1786.

1786. — Chapter 21.

[May Session, ch. 21.]

AN ACT FOR RENDERING THE DECISION OF CIVIL CAUSES, AS SPEEDY, AND AS LITTLE EXPENSIVE AS POSSIBLE.

Chap. 21.

Whereas it is the duty of the Legislature, to provide means whereby the decision of civil causes should be as speedy, and attended with as little expence to the citizens of this Commonwealth, as the nature of things will admit:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any persons who may have a dispute of what nature soever, shall agree to have the dispute determined by referees, mutually chosen by the parties for the purpose, it shall, and may be lawful for the person or persons making the demand in the action, to make out a particular statement thereof, under his or their hands in writing, and to lodge the same with some one Justice of the Peace of the County in which the person or persons making the demand may dwell; and the said Justice of the Peace upon application of the parties for the purpose, shall make out an agreement to be annexed to the aforesaid demand, and to be by them or their lawful Agents or Attornies, subscribed, and acknowledged, in substance as follows.

When persons agree to have a dispute settled by referees, the agreement shall be subscribed & acknowledged.

Town of A —, in the County of S —, 178

Know all men that A. B. of in the County of (addition) and C. D. of in the County of (addition) have agreed to submit the demand made by the said A. B. against the said C. D. which is hereunto annexed (and all other demands, as the case may be) to the determination of E. F. G. H. and I. K. the report of whom, or the major part of whom, being made as soon as may be to any Court of Common Pleas, to be holden in and for the said County of S —, judgment thereon to be final:

Form of the agreement.

and if either of the parties shall neglect to appear before the referees, after proper notice being given them of the time and place appointed by the referees for hearing the parties in this action, the referees shall have power to proceed *ex parte*.

A. B.

C. D.

Form of the acknowledgment.

S. ss. 178 Then the above named A. B. and C. D. personally appeared and acknowledged the above instrument by them subscribed to be their free act.

Before me,

L. M. Justice of the Peace.

Fees for making out the agreement and acknowledgment.

And be it further enacted, that there shall be paid by the person or persons making the demand in the action, *two shillings* unto the Justice of the Peace, that may make out the agreement, and take the acknowledgment thereof, as aforesaid, which sum shall be added to the costs that may arise in the action, for the determination of which, the agreement and acknowledgment were made as aforesaid.

Determination of referees to be made to the Court of Common Pleas.

And be it further enacted by the authority aforesaid, that the determination of the referees who may be appointed, agreeably to this Act, shall be made to the next Court of Common Pleas, to be holden in, and for the County in which the Justice of the Peace may have lived at the time he issued the agreement as aforesaid; and the Court of Common Pleas to whom the report of the referees may be made as aforesaid, shall have cognizance thereof, in the same way and manner, and the same doings shall be had thereon, as though the same had been made by referees appointed by a rule of the same Court. And the Justices of said Court to which a report shall be made by referees appointed agreeably to this Act, shall be entitled to *three shillings* for each report so made; And the Clerk of said Court for recording the same shall receive *eight pence*.

Determination may be made known to the parties, prior to its being made to the Court.

And be it further enacted by the authority aforesaid that where the parties shall agree that the determination of the referees may be made known, prior to its being made to the Court of Common Pleas as aforesaid, it shall and may be lawful for the referees to make known the determination to the parties, without its affecting in any degree the validity thereof, and if the determination shall be so made known to the parties, it shall and may be lawful for the party who may be found indebted agreeably to

the determination aforesaid, to discharge him or themselves therefrom, and thereby prevent any further process thereon, by paying the same unto the person or persons to whom it may be so awarded, and having his or their receipt therefor on the back of the determination aforesaid; in which case the determination and papers accompanying the same, shall be returned to the Court of Common Pleas, to be recorded by the Clerk of said Court, in the same manner as though the money had not been paid as abovementioned.

And be it further enacted, That the referees that may be appointed in pursuance of this Act, shall be vested with all the authority and power that referees have been, or may hereafter be vested with, who have been, or shall be appointed by a rule of Court. And witnesses shall be summoned to appear before them and sworn, in the same manner as is or may be prescribed by Law for summoning witnesses before referees appointed by a rule of Court as aforesaid.

Power of referees appointed in pursuance of this act.

July 7, 1786.

1786. — Chapter 22.

[May Session, ch. 22.]

AN ACT TO PREVENT THE DESTRUCTION, AND TO REGULATE THE CATCHING OF THE FISH CALLED SALMON, SHAD AND ALEWIVES IN KENEBC RIVER, AND SEVERAL OTHER RIVERS AND STREAMS IN THE COUNTIES OF CUMBERLAND AND LINCOLN.

Chap. 22.

Whereas it is highly necessary for the preservation of the Fish called Salmon, Shad and Alewives, that the natural, or a sufficient passage for the said Fish to pass, be opened, and kept open, from the twentieth day of April until the tenth day of June, annually, in the several Rivers and Streams in the Counties aforesaid.

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that no person or persons be allowed from and after the passing this Act, to build or erect any mill dam, obstruction, or other incumbrance, or to continue such mill dam, obstruction, or other incumbrance, as is already, or may hereafter be erected, in or across any of the Rivers, streams, or branches hereafter mentioned or described, in the Counties of Cumberland and Lincoln, viz. Kennebec River, Nequasset Stream, Sheeps-

No person allowed to erect any obstruction, &c.

*cut River, Bristol River, Muscongus, alias Medommock River, St. Georges River and Penobscot River, Amaras-coggin River and Presumscut River, and the several Rivers, Streams and Branches centering to, running, issuing or emptying into the same; and if any person or persons after the passing this Act shall build or erect any mill dam, or obstruction whatever, or continue such mill dam or obstruction, as is already or may hereafter be erected or built in or across any of the Rivers, Streams or Branches aforesaid, in which the said Fish did usually, before such obstructions, go up to the Lakes and Ponds to cast their spawn; any person or persons so offending (unless he or they do and shall actually provide and open, and keep open, at their own expence, a good and sufficient sluice-way and passage, for the said Fish to pass) shall for each and every day such obstruction shall be continued, between the twentieth day of *April* and the tenth day of *June*, annually, forfeit and pay a fine not exceeding six pounds, nor less than three pounds.*

Penalty for
such offence.

No fish shall be
taken between
the 20th April
and 14th June,
annually.

And be it further enacted by the authority aforesaid, that no person or persons shall be allowed from and after the passing this Act, to take or catch any Salmon, Shad or Alewives in any part of the said Rivers, or in any of the streams or branches aforesaid, between the twentieth day of April and the tenth day of June, annually, at any other time than between sunrise on Monday and sunset on Thursday, in each week.

No person al-
lowed to catch
Fish at any
time, within
two rods of any
sluice, &c.

And be it further enacted by the authority aforesaid, that no person or persons shall be allowed, at any time between the said twentieth day of April, and the tenth day of June, annually, to catch any of the said Fish, or set any sein, net, pot or other machine, for the purpose of taking or catching any of the said Fish, within the distance of two rods of any sluice or passage way, left open for the purpose of letting the said Fish pass up any of the streams or branches aforesaid. And if any person or persons shall take or catch any of the said Fish, or set any sein, net, pot, or other machine, for the purpose of taking or catching any of the said Fish in any of the Rivers, Streams or Branches aforesaid, on any day or night other than is allowed by this Act, or within the distance of two rods of any sluice or passage way, as aforesaid, he or they so offending, shall forfeit for the benefit of the Town or place where the offence is committed, the sein, net, pot

Penalty for
such offence.

or other machine so used, — and pay a fine not exceeding *four pounds*, nor less than *ten shillings*.

And be it further enacted by the authority aforesaid, that no sean or net shall reach or extend more than one third part across any River or Stream where the same shall or may be set, drawn or used, under the penalty of forfeiting the same; and any person who shall refuse or prevent the Committee, or any one of them, from measuring any sean or net which shall be used for the purpose of taking any of the said Fish, in any of the Rivers or Streams aforesaid, shall forfeit and pay the sum of *forty shillings*.

No seine or net to extend more than one third across any river, &c.

And be it further enacted by the authority aforesaid, that the several Towns and Plantations within the Counties aforesaid, to the westward of *Penobscot River* bordering upon, or in which there are any of the Rivers or Streams aforesaid, including those Towns and Plantations adjoining or connected with any of the streams or branches on either side the same, that empty into the said *Penobscot River*, be, and they are hereby empowered and directed at their annual meeting in *March* or *April*, forever hereafter, to choose by written ballot or otherwise, three or more suitable persons, as a Committee, whose business it shall be, to see that this Act is duly observed within the Town or Plantation where they respectively belong; and each person so chosen and accepting, shall take an oath faithfully to discharge the duties required of him by this Act; and the said Committee so chosen and qualified as aforesaid, or the major part of them, are hereby empowered and directed to inspect the several Rivers and streams within their respective districts, and see that there is a sufficient passage (for the said Fish to pass,) open, and kept open, without obstruction, from the twentieth day of *April*, until the tenth day of *June*, annually, inclusive, and it shall be the duty of said Committee to make complaint of any and every breach of this Act.

Towns, &c. bordering on any of the rivers, to choose a committee, annually, to see that this act is duly observed.

Their power.

And be it further enacted by the authority aforesaid, That where the owner or owners of any mill or mills, mill dam or other dams, erected in or across any of the Rivers or streams aforesaid, shall refuse or neglect to open or continue open, sufficient sluice way or ways, in their mill dams or other dams respectively, in every such case the said Committee, or the major part of any of them, shall within their respective districts, and they are hereby

Committee empowered to open sluice-ways, if the owners refuse or neglect.

authorized and directed to cause the same to be done as speedily as may be ; and the owner or owners of said dams so neglecting or refusing upon notice given them or any of them, by the said Committee, shall forfeit and pay a sum equal to the reasonable expence of opening and continuing open any such sluice way or ways, with the addition of *fifty per cent.* thereto ; which forfeiture shall be recovered by the said Committee, by action of the case, to be by them instituted and pursued to final judgment and execution, in their capacity aforesaid ; and the said Committee when acting in their official capacity, in doing any business, matter or thing, agreeable to, or required by this Act, shall not be considered as trespassers, or be liable to any penalty or damage.

Forfeiture when towns neglect to choose such committee.

And be it further enacted by the authority aforesaid, that each and every Town and plantation, required by this Act to chuse a Committee for the purpose aforesaid, that shall neglect to chuse such Committee, shall forfeit and pay the sum of *fifty pounds*, for every such neglect, one half thereof for the benefit of the said County, and the other half thereof to the informer, which may be sued for and recovered by any person or persons complaining of the same ; and if any person so chosen shall refuse to serve in said office, unless he is chosen to some other office, he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of such Town, to be recovered by the Town Treasurer, and such Town shall proceed to a new choice, and so *toties quoties*.

When any plantation shall neglect to choose a committee, those of any adjoining town may prosecute any breach of this act.

And be it further enacted, that when any Plantation within the limits aforesaid, shall neglect to choose a Committee as aforesaid, in any such case the Committee of any Town in the vicinity or nearest adjoining to the same, may and are hereby empowered and directed upon information, to prosecute any breach of this Act in such plantation, as fully and amply as though the offence was committed in the Town, to which the said Committee belong.

Fines and forfeitures, how recovered.

And be it further enacted, that all fines and forfeitures incurred by breach of this Act shall be recovered, by bill, plaint, or information, in any of the Courts of record within the said Counties of *Cumberland* and *Lincoln*, proper to try the same ; and all fines and forfeitures, so incurred by any offence committed against this Act (that is not otherwise particularly appropriated) shall enure the one moiety thereof to the poor of the town or plantation

where the offence shall be committed, and the other moiety to him or them, who shall make information of the same.

Provided nevertheless, that nothing in this Act, shall be so construed, as to debar any person of the right to prosecute, and they are hereby authorized and empowered to prosecute and pursue to final judgment and execution any breach of this Act. And no person by reason of his being one of the Committee (chosen and qualified as aforesaid) shall be thereby disqualified from being a witness in any prosecution for the breach of this Act.

Proviso.

And be it further enacted, That the Town Clerk in each Town, and also the Clerk or one of the Assessors in each Plantation required to choose a Committee as aforesaid, is hereby directed to read this Act in a meeting of the Town or plantation to which he belongs, in the month of *March* or *April*, annually.

This act to be read annually, by the town-clerks.

And it is further enacted by the authority aforesaid, that an Act, intituled, “An Act for opening sluice ways in the mill dam or dams, which have or may be erected on *Presumpscut River*, in the County of *Cumberland*, and upon any stream or streams which fall into the same River,” passed the fourteenth day of *March*, one thousand seven hundred and eighty five, be, and it is hereby repealed.

A former act repealed.

July 7, 1786.

1786. — Chapter 23.

[May Session, ch. 23.]

AN ACT TO INCORPORATE THE PLANTATION CALLED SYLVESTER, INTO A TOWN BY THE NAME OF TURNER. Chap. 23.

Whereas it appears to this Court, that it would be productive of public good, and for the benefit of the inhabitants and proprietors of the said plantation, that the same should be incorporated into a Town:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the plantation called *Sylvester*, and included within the boundaries described in this Act, together with the inhabitants thereof be, and they are hereby incorporated into a town by the name of *Turner*: beginning at a place in *Androscoggin River*, called crooked repels, at a large tree marked S, about six miles (as the river runs) above *Androscoggin great falls*, which was denominated in the confirmation of the Grant of the said

Boundaries.

township, to the proprietors, dated *June* the twentieth, one thousand seven hundred and sixty eight, “the easterly corner of *Bakerstown* so called,” from thence running North sixty degrees west in the Northeasterly line of the said *Bakerstown*, five miles and a half, to the northerly corner thereof, thence running north twenty six degrees east by that which at the abovesaid date was Province land ten miles and one hundred and eighty rods to a stake with stones about it, thence running by then province land, south, sixty degrees east, three miles and two hundred and fifty rods to a heap of stones by the said River; thence runing southerly by the said River to the bounds first mentioned; and the said town is hereby vested with all the powers, privileges and immunities which towns within this Commonwealth are entitled to, or by Law do enjoy.

Vested with powers.

Isaac Parsons, Esq; to call a meeting.

And be it further enacted by the authority aforesaid that Isaac Parsons, Esq; of New Gloucester be and he hereby is empowered to issue his warrant to some principal inhabitant of the said town requiring him to warn the inhabitants thereof, to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by Law required and empowered to choose in the month of *March* or *April*, annually. July 7, 1786.

1786. — Chapter 24.

[May Session, ch. 24.]

Chap. 24. AN ACT IN ADDITION TO, AND FOR REPEALING CERTAIN PARTS OF AN ACT, PASSED *JULY* THE SECOND, ONE THOUSAND, SEVEN HUNDRED AND EIGHTY FIVE, INTITLED, “AN ACT FOR REPEALING A LAW OF THIS COMMONWEALTH, INTITLED, AN ACT IMPOSING DUTIES ON LICENCED VELLUM, PARCHMENT AND PAPER, AND FOR IMPOSING OTHER DUTIES ON CERTAIN PAPERS, COMMISSIONS, INSTRUMENTS AND PROCESSES.”

Preamble.

Whereas, by said Act, certain Duties are laid on Policies of Insurance, Charter Parties and Bills of Lading, but no sufficient provision is made for enforcing the payment of the same: Therefore

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the authority of the same, That every Charter party, Policy of Insurance and Bill of Lading, which is now or may hereafter be written or engrossed within this Commonwealth, which

shall not be signed, as by said Act is required, by the first day of *September* next or within two months from the date of any such Charter party, Policy of Insurance or bill of lading, shall be utterly void and of no effect whatever.

And whereas by said Act, certain duties are imposed on every confession of a Judgment, before any Justice of the Peace, and writs of execution thereon, which duties may operate as a discouragement to the making of such confession of Judgment:

Therefore Be it enacted by the Authority aforesaid, That the clause of the said Act, imposing duties on any Confession of Judgment before any Justice of the Peace, and Writ of Execution thereon, be and it is hereby repealed.

Clause of a former act repealed.

July 7, 1786.

1786. — Chapter 25.

[May Session, ch. 25.]

AN ACT GRANTING LEAVE TO SAMUEL BARNARD, JUNR. JONATHAN HOIT AND JOHN WILLIAMS, TO ERECT A BRIDGE OVER DEERFIELD RIVER, BETWEEN DEERFIELD AND GREENFIELD, IN THE COUNTY OF HAMPSHIRE.

Chap. 25.

Whereas application hath been made to this Court, for permission to build a Bridge over Deerfield river, between Deerfield and Greenfield, at a place called Rocky-Mountain; and it appearing that a Bridge in said place would be of great public utility:

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the purposes of reimbursing to Samuel Barnard, junr. Jonathan Hoit, and John Williams, their heirs, associates and assigns, the monies expended or to be expended, in building and supporting the said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said Samuel Barnard, junr. Jonathan Hoit and John Williams, their heirs, associates and assigns, according to the rates following, Viz.

Toll established.

For each foot passenger, or one person passing, one penny one third of a penny.

Rates of toll.

One person and horse, Two pence, two thirds of a penny. Single horse cart, sled or sleigh, Four pence, two thirds of a penny.

Sleigh, drawn by two or more horses, Six pence.

Single horse-chaise, chair or sulky, Six pence.

Coaches, chariots, phaetons and curricles, *One shilling and four pence.*

All other wheel carriages, drawn by more than one beast, *One shilling.*

Neat cattle and horses passing the said bridge, exclusive of those ridden, or in carriages or teams, each, *One penny.*

Swine and sheep, for each dozen, and at the same rate for a greater or less number, *Four pence.*

And in all cases, the same toll shall be paid for all carriages and vehicles, passing the said Bridge, whether the same be loaded or not loaded; and to each team one man, and no more, shall be allowed as a driver, to pass free from payment of toll, and the toll gatherer shall not be obliged at any time to open the gate or gates for any passenger or passengers, until he is paid the rate or toll of such passenger or passengers: and at all times, when the toll gatherer shall not attend his duty, and from sun rising to sun setting, on the Lord's day, the gate or gates shall be left open, and the said toll shall commence on the first day of the first opening of the said Bridge for passengers, and shall continue for, and during the term of fifty years from the said day; and for the space of seventy years, next after the expiration of the said fifty years, such toll shall be paid for the benefit of the persons, and for the purpose before mentioned, as shall from time to time, be approved of, and determined on, by the Court of General Sessions of the Peace, for the County wherein such Bridge shall be.

Gates to be left open on the Lord's day, &c.

Toll, when to commence, and how long to continue.

Proviso.

Provided nevertheless, that if at any time during the continuance of the said term of fifty years, the County road, now leading from the said Town of *Deerfield* to *Greenfield*, across the said river, shall be discontinued, or shall not be kept and maintained in repair, no greater toll shall thereafter be paid for passing the said Bridge, than shall from time to time, be ordered and allowed by the Court of General Sessions of the Peace for the said County, any thing in this Act to the contrary notwithstanding.

Bridge, how constructed, &c.

And be it further enacted by the authority aforesaid, that the said Bridge shall be well built at least sixteen feet wide, of sound and suitable materials, with a well constructed, substantial pier in the middle, to be built with stone, to be sixty five feet, at least, in length, and thirty feet in width, and forty feet in height, and well

planked on the top, with stuff proper for such a Bridge, and the abutments on each shore, built of a suitable height, and with stone: and the proprietors shall keep the said Bridge in good, safe, and passable repair, for the term of one hundred and twenty years, and at the end of said term of one hundred and twenty years, the said Bridge shall be left in like repair, and shall revert to, and be the property of the Commonwealth; and if the proprietors shall unreasonably refuse, or neglect to keep said Bridge in such safe and passable repair, as aforesaid, on such refusal or neglect being made to appear to the satisfaction of the Justices of the Court of General Sessions of the Peace, in the County where said Bridge shall be, it shall be in the power of the Justices aforesaid, to prohibit, and forbid the proprietors aforesaid, from receiving any toll from any person or persons, for the use of said Bridge, until it is again put into such passable repair, as by the same Justices shall be deemed sufficient: and if the proprietors of said Bridge, or any of them, or any other person, shall, during the time of such prohibition as aforesaid, be convicted before any Justice of the Peace, for the same County, of receiving of any person or persons, any toll or reward for the use of the said Bridge, the person or persons, so convicted, shall forfeit and pay for each offence, the sum of *six shillings*, one moiety thereof to accrue to the person or persons complaining, the other moiety to the use of the poor of the town of *Deerfield*.

Proprietors to keep it in good repair.

In case of refusal or neglect no toll shall be received.

And be it further enacted, That if the said proprietors shall refuse or neglect for the space of four years, after the passing of this Act, to build and compleat the said Bridge, then this Act to be void and of no effect.

Four years allowed to compleat the bridge.

July 7, 1786.

1786.—Chapter 26.

[May Session, ch. 29.]

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT TO PREVENT DAMAGES BEING DONE UPON THE IMPROVED LANDS ADJOINING TO *CONNECTICUT RIVER*, BY REASON OF TIMBER BEING LEFT THEREON BY THE SPRING FLOODS; AND FOR FIXING A TIME FOR THE OWNERS TO REMOVE IT; MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY ONE.

Chap. 26.

Whereas Captain Asahel Gunn, hath represented to this Court, that he sustains great damage by Timber which is

brought on to his Land in an Island, in Connecticut River, lying between Deerfield and Montague, commonly known by the name of Smead's Island :

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid Act, and every clause and thing therein contained, shall be extended to the aforesaid Island, commonly called Smead's Island, the Owner or Owners thereof observing the injunctions contained in said Act, and causing the marks on the Timber to be recorded in the Book of Records of the Town of Montague.

July 7, 1786.

1786. — Chapter 27.

[May Session, ch. 28.]

Chap. 27. AN ACT MAKING FURTHER PROVISION FOR THE SUPPORT OF THE SEVERAL LIGHT HOUSES IN THIS COMMONWEALTH.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, there shall be paid, by the Master or Owner of any Vessel, not owned by some Citizen or Citizens of any of the United States, on an entry being made thereof, at any Naval Office within this Commonwealth, One shilling and four pence, for each and every ton, Carpenter's measure, which said Vessel may measure, and no more; any Law or Resolve to the contrary notwithstanding.

Be it further Enacted, that the Naval Officer for the port, where any such Vessel shall enter, be, and he hereby is empowered to measure, or cause to be measured, the said Vessel, that the real tonage, where any doubt is had, may be ascertained.

Be it further enacted, that all monies, arising by virtue of this Act, shall be appropriated to, and for the support of the several Light Houses in this Commonwealth.

July 8, 1786.

1786. — Chapter 28.

[May Session, ch. 26.]

AN ACT FOR CONTINUING IN FORCE AN ACT MADE IN THE YEAR OF OUR LORD, ONE THOUSAND, SEVEN HUNDRED AND EIGHTY THREE, ENTITLED, AN ACT LAYING DUTIES OF IMPOST AND EXCISE ON CERTAIN GOODS, WARES, AND MERCHANDIZE, THEREIN DESCRIBED, AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE," AND ALSO FOR CONTINUING IN FORCE ALL OTHER ACTS MADE IN ADDITION TO, OR FOR THE EXPLANATION OF THE SAID RECITED ACT. *Chap. 28.*

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That the above-recited Act, and all other Acts made in addition to, or for the explanation of the said Act be, and they shall respectively continue in full force, on and after the tenth day of *July* instant, for the term of three years, any thing in the said Act or Acts to the contrary notwithstanding. *Provided*, that the net revenue arising from the impost and excise, in consequence of the revival of the said Acts, shall be equally distributed amongst the holders of the publick securities of this Commonwealth, in proportion to the sums held by them respectively, as near as may be; And that the said Acts may be revised and altered any time before the expiration of the term aforesaid.

To continue in
force 3 years.

Proviso.

And in order to introduce a free trade with the interior parts of our neighbouring States :

Be it enacted That all excised Articles transported out of this State, by land, that shall be bonded in office, as in case of exportation by water, shall be free of excise; *Provided* the obligor produce a certificate at the period mentioned in the Bond, particularizing the quantity and quality of the Goods, under the hand and seal of a farmer or Collector of Excise, or any of their several deputies or other legal officer of the customs, in the State into which the goods are transported, that the same are to his knowledge brought into the said State, and entered with him, and the excise duty secured thereon, agreeably to Law; and on receipt of such certificate, the Collector shall cancel the bond, and not otherwise. And all excised Articles sent out of the State, by land, shall be registered in the

Articles trans-
ported out of
this State by
land, to be free
of excise.

Proviso.

book with those which are exported by Water, *Provided nevertheless*, that in any State where there are no officers as aforesaid, a certificate shall be obtained from two Justices of the Peace, in the same State. July 8, 1786.

1786. — Chapter 29.

[May Session, ch. 27.]

Chap. 29. AN ACT TO ENABLE THE CITIZENS OF THIS COMMONWEALTH, TO DISCHARGE THE DEBTS DUE FROM THEM, TO THE CITIZENS OF CERTAIN OTHER STATES, IN THE SAME MANNER AS THE CITIZENS OF THOSE STATES ARE ENABLED BY LAW TO DISCHARGE DEBTS DUE FROM THEM, TO THE CITIZENS OF THIS COMMONWEALTH.

Inhabitants of this State may have liberty to discharge debts due to citizens of other States, in paper bills of the State to which the creditor belongs.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any inhabitant of this Commonwealth shall be sued, or have his person or estate taken by mesne process, or in execution, for any debt or debts due to an inhabitant of any State, that has emitted paper bills on the faith of such State, he shall, and may have liberty to pay such debts, and discharge such execution in the paper bills of the State to which the creditor belongs; and a tender of such bills to the creditor, his attorney, or sheriff, shall be a discharge of such execution, and be plead in bar to any future suit for the recovery of such debts.

At liberty to tender real or personal estate to citizens of any State that has made the same a tender.

And be it further enacted by the authority aforesaid, that when any inhabitant of this Commonwealth, shall be sued, or have his body or estate taken by mesne process, or in execution, for any debt due to an inhabitant of any State, that has made real or personal estate a tender for the discharge of any debt or execution; such person shall have liberty to tender such real, or personal estate, in payment of such debt, or in satisfaction of execution issued against him, and a tender of such real or personal estate, to the creditor, his attorney or sheriff, shall be a discharge of such debt or execution, and be plead in bar to any future suit or action, for the recovery of such debt; the tender aforesaid to be subject however, to the same rules and regulations, as in and by the laws of such State, are or may be prescribed.

Notes, bonds, &c. endorsed to citizens of this State since the passing of this act, may be discharged in the same manner.

And be it further enacted by the authority aforesaid, That when any obligation, note, or bond, payable to any of the inhabitants of any of the States, herein before described, has been, or shall be endorsed or assigned, to any

of the citizens of this Commonwealth, such obligation shall be discharged in the same manner as is herein before provided, unless the endorsee or assignee, shall produce satisfactory evidence to the Court, before whom the trial shall be, that such indorsement, or assignment, was made before the passing the Act or Acts in the State where the original creditor belongs, making paper bills or real or personal estate, a tender as aforesaid. *July 8, 1786.*

1786. — Chapter 30.

[May Session, ch. 30.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR INCORPORATING THE CONGREGATIONAL CHURCH IN THE TOWN OF CHARLTON, WITH CERTAIN OTHER INHABITANTS OF THE SAID TOWN, INTO A DISTINCT PARISH. *Chap. 30.*

Whereas by the said incorporating Act, it is provided, that none but the Members of the Congregational Church in the said Town of Charlton, and such other Inhabitants of the said Town, "as shall in writing by them signed in the Book of the Records of the said Parish signify their desire of belonging to the said Parish, together with all their families and estates," shall be considered as belonging to the said Parish: and whereas the Congregational society, in the said Town, forming the present Parish, have petitioned to this Court, that they may be authorized and empowered to assess such of the Inhabitants of the said Town, as usually attend the Public Worship in the said Society, for the support of their minister, although they should not sign their names as aforesaid. And it appearing to this Court, that the provision made by the said Incorporating Act, is inadequate to the purposes for which it was intended: Therefore

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the said Congregational Parish in Charlton be and it is hereby authorized to assess such of the Inhabitants of the said Town of Charlton, for the support of the Minister of the said Congregational Society, as usually attend the public Worship, under his Ministry (and not belonging to any other Parish) in the same manner as the inhabitants of the said Parish are by Virtue of the said Incorporating Act assessed therefor, any thing in the said Act to the contrary notwithstanding. *July 8, 1786.**

1786. — Chapter 31.

[September Session, ch. 1.]

Chap. 31. AN ACT CONFIRMING A TREATY MADE WITH THE *PENOBSCOT* TRIBE OF INDIANS.**Preamble.**

Whereas by a resolve of the General Court of the sixth day of July, in the present year, Benjamin Lincoln, Thomas Rice, and Rufus Putnam, Esquires, were appointed Commissioners to treat with the Penobscot tribe of Indians, respecting their claims to Lands on Penobscot river: And whereas the said Commissioners did, on the thirtieth day of August, in the present year, make report of an agreement entered into, between them, the said Commissioners, and the said Penobscot tribe of Indians: which report is in the words following; viz.

Treaty.

It was agreed by the said Indians on their part, that they would relinquish all their claims and interest to all the lands on the West side of *Penobscot river*, from the head of the tide up to the river *Pasquataquiss*, being about forty three miles; and all their claims and interest on the east side of the River from the head of the tide aforesaid, up to the river *Mantawomkeektook*, being about eighty five miles; reserving only to themselves the Island on which the old town stands, about ten miles above the head of the tide, and those Islands on which they now have actual improvements, in the said river, lying from *Sunk-haze river*, about three miles above the said old town, to *Passadunkee Island* inclusively, on which Island their new town, so called, now stands. In consideration hereof, WE, in the name and in behalf of the Commonwealth, engage that the Indians should hold and enjoy in fee, the Islands reserved as aforesaid, and the fee of two Islands in the bay called and known by the name of *White Island* and *Black Island*, near *Naskeeg Point*: And WE further agreed, that the lands on the west side of the River *Penobscot*, to the head of all the waters thereof, above the said river *Pasquataquiss*, and the lands on the east side of the river to the head of all the waters thereof, above the said River *Mantawomkeektook*, should ly as hunting ground for the Indians, and should not be laid out or settled by the State or engrossed by individuals thereof: And WE further agreed as aforesaid, to make the Indians a present of three hundred and fifty blankets, two hundred pounds of powder, with a proportion of shot and flints: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the agreement expressed in the report herein before recited, be, and it is hereby ratified and confirmed on the part of this Commonwealth; and the Governor with the advice of Council, is hereby authorized and empowered to appoint and commission some suitable person to repair to the said *Penobscot* tribe of Indians, to carry into execution the said agreement; to deliver the blankets, powder, shot and flints mentioned therein; and to receive from the said tribe of Indians a deed of relinquishment in due form, of the lands mentioned in, and conformable to the said agreement; and when the said deed of relinquishment shall be executed as aforesaid, this Act shall be considered as a compleat and full confirmation of the agreement herein before recited, agreeably to the true intent and meaning thereof. And a copy of this act, under the signature of the Governor, with the seal of the Commonwealth affixed, shall be delivered to the Indians by such person as the Governor shall commission to execute this business.

Agreement confirmed.

October 11, 1786.

1786. — Chapter 32.

[September Session, ch. 2.]

AN ACT FOR ESTABLISHING A MINT FOR THE COINAGE OF GOLD, SILVER, AND COPPER. *Chap. 32.*

Whereas the United States in Congress assembled, by their Resolve of the eighth day of August, in the present year, have regulated the Alloy and Value of Coin; and whereas the want of a sufficient circulating medium, renders it expedient, that a Mint should be erected and a quantity of Coin be struck: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be a Mint erected within this Commonwealth, for the coining of Gold, Silver and Copper; and that all the Coin that shall be struck therein, shall be of the same weight, alloy and value, and each piece bear the same name, as is by the said Resolve of Congress fixed and established.

Mint to be erected.

And be it further enacted by the authority aforesaid, that there shall be a quantity of Copper Coin struck, equal to the amount of *seventy thousand Dollars*, in pieces of

Copper coin to be struck.

the two different denominations mentioned in the said resolve, and in convenient proportions; one of which to have the name *Cent* stamped in the Center thereof, and the other *Half Cent*, with such inscriptions or devices as the Governor with the advice of Council, may think proper; and the said Coin, when struck, shall be received in all payments in this Commonwealth.

Governour and Council to appoint a person to procure necessaries, &c.

And be it further enacted, That the Governor, with the advice of Council be, and he is hereby authorized and empowered, to appoint some suitable person or persons, to procure all the necessaries requisite to the compleating of the said Mint, fit for coining, and to take due care that the same be compleated as soon as may be, and also to procure an able Assay Master, Stock, Workmen and whatever may be necessary for the actual coinage of Gold, silver and Copper as before directed; and the Governor with advice of Council is hereby further empowered to appoint some suitable person or persons to have the oversight and inspection of the said Mint when completed, and to see to the coinage of the Copper aforementioned, and of the Gold and Silver that may be bought in for Stock or brought in for coining — And the Governor with the advice of Council, is hereby further empowered to establish proper rules and regulations, respecting the well ordering and managing the business of the said Mint, for the safe keeping the stock and Coin that may be kept therein, and for securing the fidelity of all employed in the said Business. And the Inspector or Inspectors appointed as aforesaid, shall, before he or they enter on the business of said appointment, give bonds for the faithful discharge of the duties of the appointment, with sureties, to the Treasurer of this Commonwealth, in such sum or sums as the Governor with advice of Council shall direct.

Rules and regulations to be established.

Inspectors to give bonds.

Coin to be delivered into the treasury.

Charges to be defrayed out of said coin.

And be it further enacted, That all the Gold, Silver and Copper belonging to the Commonwealth, that may from time to time be coined in the said Mint, so often as the same shall amount to the value of *one thousand Dollars*, shall be delivered by the said Inspector or Inspectors, into the Treasury of this Commonwealth, he or they taking duplicate receipts therefor, one of which shall be lodged in the Secretary's Office.

And be it further enacted, That the charge of erecting and completing the said Mint, of Stock, Workmen, Offi-

cers, and all other disbursements for carrying on the said business of coining, shall be defrayed out of the said Coin, by warrant from the Governor, with advice of Council; the Accounts relating to the said Mint, and the business thereof, having been first attested by the Inspector or Inspectors, and laid before the Council, examined and approved. And if there should remain any sum or sums of money arising from the said coinage, more than is necessary for the payment of the aforesaid expences, the same shall be appropriated to the purpose of Stock for the said Mint, unless the General Court shall otherwise order.

Remainder, how appropriated.

And be it further enacted, That the Inspector or Inspectors of the said Mint, shall from time to time lay before the Governor and Council an account of their doings, and state of the said Mint, that the same may be laid before the General Court.

Inspectors duty.

October 17, 1786.

1786. — Chapter 33.

[September Session, ch. 3.]

AN ACT TO INCORPORATE THE PLANTATION CALLED *STERLINGTON*, IN THE COUNTY OF *LINCOLN*, INTO A TOWN BY THE NAME OF *UNION*.

Chap. 33.

Whereas it appears to this Court, that it would be productive of public good, and for the benefit of the inhabitants and proprietors thereof, that the plantation called Sterlington, in the county of Lincoln, should be incorporated into a town:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the plantation called *Sterlington*, and included within the boundaries described in this Act, together with the inhabitants thereof, be, and they are hereby incorporated into a Town by the name of *Union*, begining at the southeasterly corner thereof, being a stake and stones; thence bounding easterly on land belonging to *Waldo's* heirs, by a line runing North west by north eleven miles and eighty rods; thence bounded northerly by land supposed to belong to the Commonwealth, by a line runing south west by west, five miles and twenty four rods; thence westerly by lands supposed to belong to said *Waldo's* heirs, by a line runing south three miles and two hundred rods; thence on the same land, east,

Boundaries.

Vested with
powers.

Waterman
Thomas, Esq.
to call a meet-
ing.

three miles and an half; thence south two miles and an half and twenty rods; thence bounded west on the town of *Warren*, by a line runing east six miles and two hundred and fifteen rods, to the bounds first mentioned; and the said town is hereby vested with all the powers, privileges and immunities which towns within this Commonwealth are entitled to, or by Law do enjoy.

And be it further enacted by the authority aforesaid, That *Waterman Thomas*, Esq; be, and he hereby is empowered to issue his warrant to some principal inhabitant of the said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such Officers as towns are required and empowered by Law to choose in the month of *March* or *April*, annually.

October 20, 1786.

1786. — Chapter 34.

[September Session, ch. 4.]

Chap. 34. AN ACT FOR INCORPORATING A PART OF *TEMPLETON*, AND A PART OF *ATHOL*, IN THE COUNTY OF *WORCESTER*, INTO A TOWN BY THE NAME OF *GERRY*.

Boundaries.

Be it enacted by the Senate and House of Representatives in General Court Assembled and by the authority of the same, That the lands herein after described, *viz.* beginning at *Hubbardston* line, where burnt shirt stream runs out of said *Templeton*, thence stemming said stream to a maple tree, being the Southerly Corner of the second division lot number forty seven thence running north thirty degrees west to *new Brook*, so called, thence running down said *Brook* to *Royalston* line, thence West to *Athol* line, being the Northwest corner of *Templeton*, thence on said *Athol* line to *Miller's River*, thence down said *River* to a *brook*, called *Thousand-acre-meadow-brook*, thence South westerly by the westerly corner of the hundred acre lot number twenty two, thence straight to the most westerly corner of said *Templeton*, thence by said *Templeton* line to the place where it began, with the inhabitants thereon dwelling, be, and they hereby are incorporated into a town by the name of *Gerry*: And said town is hereby invested with all the powers, privileges and immunities, to which any town within this Commonwealth

Invested with
powers.

is intituled, agreeably to the constitution and laws of this Commonwealth.

And be it further enacted, That the inhabitants of the said Town of *Gerry* shall pay their proportion of all taxes already granted to be raised in the several towns from which they were set off, and shall support all the Poor who before the passing this Act, belonged to the towns of *Templeton* and *Athol*, and now fall within the town of *Gerry*, and no more.

To pay their proportion of all taxes.

And be it further enacted by the Authority aforesaid, That all the publick property which heretofore belonged to the several Towns from which the said Town of *Gerry* is taken, shall still belong to said Towns of *Templeton* and *Athol* respectively.

Public property shall belong to Templeton and Athol.

And it is further enacted, That *Isaac Mirrick*, with his estate, shall still belong to the town of *Templeton*, unless he shall at some time within one year from the passing this Act, return a certificate into the Secretary's Office, signifying his desire to belong to the Town of *Gerry*, in which case he with his estate shall be considered as belonging to the town of *Gerry* accordingly.

Isaac Mirrick & estate, shall belong to Templeton,—unless.

And be it further enacted, That *Ebenezer Knight*, *Isaac Ball*, junr. *Isreal Sprague*, *Benjamin Preston*, *Robert Young*, junr. and *Zacheus Rich*, with their polls and estates, shall belong to the Town of *Athol*, provided they, or any of them, shall, within nine months from the passing this Act, return their names respectively into the Secretary's Office, and signify their desire of belonging to the same: And that *Elias Sawyer*, with his polls and estate, shall belong to the town of *Templeton*, provided he shall within nine months from the passing this Act, return his name into the Secretary's Office, and signify his desire of belonging to the same.

Eben. Knight, & others, to belong to Athol, — provided.

And it is further enacted by the authority aforesaid, That *Hiram Newell*, Esqr; be, and hereby is impowered to issue his Warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Gerry*, to assemble and meet at some suitable time and place in the said Town, to choose all such Officers as Towns are required to choose at their annual town meeting in the month of *March* or *April* annually.

Hiram Newell, Esq; to call a meeting.

October 20; 1786.

1786. — Chapter 35.

[September Session, ch. 5.]

Chap. 35. AN ACT, FOR THE ALTERING OF A CERTAIN CLAUSE IN AN ACT, ENTITLED, "AN ACT, REGULATING THE EXPORTATION OF FLAX SEED, POT ASH, PEARL ASH, BEEF, PORK, BARRELED FISH, AND DRIED FISH."

Preamble.

Whereas by said Act, no flax seed can be shipped or exported out of this Commonwealth, but in casks containing seven bushels and one peck each, or half that quantity, which is found injurious to this Commonwealth, therefore,

Clause repealed.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the clause in said Act, respecting flax seed, be so far altered, as that the casks in which flax seed may be shipped or exported, shall contain seven bushels, or half that quantity; any thing in said act to the contrary notwithstanding.

October 20, 1786.

1786. — Chapter 36.

[September Session, ch. 6.]

Chap. 36. AN ACT FOR THE CONFIRMING OF THE SECOND CHURCH IN BOSTON, SO CALLED, IN THEIR TITLE TO CERTAIN LANDS.

Preamble.

Whereas in consequence of the destruction of the building known by the name of the Old North Meeting House in Boston, the Society who formerly assembled there, and the Society who assembled at the New Brick Church, so called, in said Boston, have mutually united under the name of the second Church in Boston, and have agreed that the lands, tenements and hereditaments, formerly belonging to each of said Churches respectively, shall henceforth be the common interest and estate of said newly United Churches, called the second Church in Boston: And whereas doubts have arisen, whether such agreement is sufficient to enable said second Church to make sale of such estate as formerly belonged either to said New Brick Church, or to the Church formerly assembled at said Old North Meeting House: And whereas the Land on which the building aforesaid formerly stood, and thereunto belonging, had been in possession of said Old North Church, before the Union aforesaid, for more than one hundred years, but the Deed thereof cannot be found:

Be it therefore Enacted by the Senate and House of Rep-

representatives, in General Court Assembled, and by the Authority of the same, That the Agreement aforesaid, made between the Churches aforesaid, under the name of the second Church in *Boston*, be, and hereby is confirmed; and said second Church in *Boston*, is hereby confirmed in their title in the Land aforesaid, and in all the Estate, Tenements and Hereditaments which at the time of making such Agreement belonged to the churches aforesaid.

Agreement confirmed.

And be it further enacted by the Authority aforesaid, That *John Tudor, Samuel Ridgway, and William Bell,* Deacons of said second Church in *Boston*, and their successors, forever, in that Office, by themselves, or together with such Committee or other persons as the Society of said second Church in *Boston* shall appoint, be, and hereby are impowered and authorized to make sale of all or any part of the aforesaid Lands, Tenements and Hereditaments, to such persons as shall purchase the same, in fee simple, forever: And to make and execute good and sufficient deeds in law of the same, or to lease or otherwise dispose of the same in the name and behalf of the said Second Church in *Boston*.

Deacons of said Church, & their successors, empowered to make sale of lands.

October 23, 1786.

1786. — Chapter 37.

[September Session, ch. 7.]

AN ACT FOR ESTABLISHING RULES AND ARTICLES FOR GOVERNING THE TROOPS STATIONED IN FORTS AND GARRISONS, WITHIN THIS COMMONWEALTH; AND ALSO THE MILITIA, OR ANY PART THEREOF, WHEN CALLED INTO ACTUAL SERVICE.

Chap. 37.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the following Rules and Articles be, and they hereby are established, and declared to be in force, for governing all Troops stationed in Forts and Garrisons within this Commonwealth; and also the Militia, or any part thereof, when called into actual service, viz.

Rules established.

ARTICLE *First.* all Officers and Soldiers shall diligently attend divine service: and all Officers and Soldiers who shall unnecessarily absent themselves from, or behave indecently or irreverently at any place of divine worship, shall, if commissioned Officers, be brought before a general Court martial, there to be publicly and severely reprimanded by the President; if non-commissioned Officers

Officers and soldiers to attend divine service.

or soldiers, every person so offending, shall for the first offence forfeit *one shilling*, to be deducted out of his next pay ; for the second offence he shall not only forfeit a like sum, but be confined twenty four hours ; and for every like offence shall suffer and pay in like manner ; which money so forfeited, shall be applied to the use of the sick soldiers of the Troop or Company to which the offender belongs.

Punishment for
profane oaths.

ART. *Second*. Whatsoever non-commissioned Officer or soldier shall use any prophane Oath or Execration, shall incur the penalties expressed in the foregoing Article : And if a Commissioned Officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence, *four shillings*.

— for traitor-
ous or disre-
spectful words.

ART. *Third*. Whatsoever Officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in Congress assembled, or the Legislature of this Commonwealth ; if a commissioned Officer he shall be cashiered ; if a non-commissioned Officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a Court martial.

— for con-
tempt or disre-
spect.

ART. *Fourth*. Any Officer or soldier who shall behave himself with contempt or disrespect towards the Commander in chief, or any General or commanding Officer of the Troops or Militia of this Commonwealth, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a Court martial.

Mutiny.

ART. *Fifth*. Any Officer or Soldier who shall begin, excite, cause or join in any mutiny or sedition, in the Troop, Company or Regiment to which he belongs, or in any other Troop or Company in the service of this Commonwealth, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer such punishment as by a Court martial shall be inflicted.

Punishment for
not using en-
deavours to sup-
press the same.

ART. *Sixth*. Any Officer, non-commissioned Officer or soldier, who being present at any mutiny or sedition, doth not use his utmost endeavours to suppress the same ; or coming to the knowledge of any intended mutiny, doth not without delay give information thereof to his commanding Officer, shall be punished by sentence of a Court martial according to the nature of his Offence.

— for striking
or offering vio-
lence to supe-
rior officers.

ART. *Seventh*. Any officer or soldier who shall strike his superior Officer, or draw or lift up any weapon, or

offer any violence against him, being in the execution of his Office, on any pretence whatsoever, or shall disobey any lawful command of his superior Officer, shall suffer such punishment, as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

ART. *Eighth.* Any non-commissioned Officer or soldier, who shall desert or without leave from his commanding Officer, absent himself from the Troop or Company to which he belongs, or from any detachment of the same, shall, upon conviction thereof, suffer death, or such other punishment as shall be inflicted by the sentence of a general court martial. Desertion.

ART. *Ninth.* Whatever Officer or soldier shall be convicted of having advised or persuaded any other Officer or soldier to desert, shall suffer such punishment as shall be inflicted by the sentence of a Court martial. Punishment for persuading others to desert.

ART. *Tenth.* No Officer or Soldier shall use any reproachful or provoking speeches or gestures to another; nor shall any Officer or soldier presume to send a challenge to any person to fight a duel, upon pain, if a commissioned Officer, of being cashiered; if a non-commissioned Officer or Soldier, of suffering corporal punishment, at the discretion of a Court martial. — for provoking speeches, or challenges.

ART. *Eleventh.* If any commissioned or non-commissioned Officer commanding a guard, shall knowingly and willingly suffer any person whatsoever, to go forth to fight a duel, he shall be punished as a challenger; and likewise all seconds, promoters and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly. Officers suffering others to fight, how punished.

ART. *Twelfth.* All Officers of what condition soever shall have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another Regiment, Troop or Company; and either to order Officers into arrest, or non-commissioned Officers or Soldiers to prison, till their proper superior Officers shall be acquainted therewith; and whosoever shall refuse to obey such Officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court martial. All Officers empowered to quell quarrels, frays, &c.

ART. *Thirteenth.* Whatsoever Officer or Soldier shall upbraid another for refusing a challenge, shall be considered as a challenger and punished accordingly. Punishment for upbraiding another for refusing challenges.

Officers to keep good order, and redress abuses.

ART. *Fourteenth.* Every Officer commanding in quarters, garrisons or on a march, shall keep good order and to the utmost of his power redress all such abuses or disorders as may be committed by any Officer or soldier under his command; and if upon complaint made to him of Officers or soldiers beating or otherwise ill treating any person, or of committing any kind of riots to the disquieting the good citizens of this or either of the United States, he shall refuse or omit to see justice done on the Offender or Offenders, and reparation made to the party or parties injured, so far as the Offender's pay shall enable him or them, he shall, upon proof thereof, be punished by a general Court martial, as if he himself had committed the crimes or disorders complained of.

Punishment for refusing.

Any officer thinking himself wronged by his colonel, may complain to the general.

ART. *Fifteenth.* If any Officer shall think himself to be wronged by his Colonel, or the commanding Officer of the Regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the General or commander in chief of the forces in service, in order to obtain justice, who shall examine into the complaint and see that justice be done.

Any inferior officer or soldier, wronged by his capt. may complain to the col.

ART. *Sixteenth.* If any inferior Officer or soldier, shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he may complain thereof to the commanding Officer of the Regiment, who shall summon a regimental Court martial, for the doing justice to the complainant; from which Regimental Court martial either party, if he thinks himself still aggrieved, may appeal to a general court martial. But if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said General Court martial.

Punishment for selling or wasting ammunition.

ART. *Seventeenth.* Whatsoever non-commissioned Officer or soldier shall be convicted at a Court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of this Commonwealth, shall, if a non-commissioned Officer, be reduced to a private sentinel, and if a Soldier, shall suffer such punishment as shall be inflicted upon him by a Court martial.

— for being found one mile from camp, without leave.

ART. *Eighteenth.* All non-commissioned Officers and soldiers, who shall be found one mile from the camp without leave in writing from their commanding Officer, shall

suffer such punishment as shall be inflicted on them by the Sentence of a Court martial.

ART. *Nineteenth.* No Officer or Soldier shall be out of his quarters or camp, without leave from his commanding Officer, upon penalty of being punished according to the nature of his offence, by the sentence of a Court martial.

Punishment for being out of quarters or camp, without leave.

ART. *Twentieth.* Every non-commissioned Officer and soldier shall retire to his quarters or tent, at the beating of the Retreat; in default of which he shall be punished according to the nature of his offence, by the sentence of a Court martial.

Soldiers to retire to quarters at the beating of the retreat.

ART. *Twenty First.* No Officer, non-commissioned Officer or soldier shall fail to repair, at the time fixed, to the place of parade or exercise, or other rendezvous, appointed by his commanding Officer, if not prevented by sickness, or some other evident necessity; nor shall go from the said place of rendezvous, or from the guard, without leave from his commanding Officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a Court martial.

Punishment for not repairing to the place of parade at the time fixed.

ART. *Twenty Second.* Whatever commissioned Officer, shall be found drunk on his guard, party or other duty, under arms, shall be cashiered for it; and any non-commissioned Officer or soldier so offending, shall suffer such punishment as shall be inflicted by the sentence of a Court martial.

— for being found drunk on guard or other duty.

ART. *Twenty Third.* Whatsoever Centinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment, as shall be inflicted by the sentence of a general Court martial.

Centinels found sleeping on their posts, how punished.

ART. *Twenty Fourth.* Any person belonging to the forces employed in the service of this Commonwealth, who by discharging of Fire Arms, drawing of Swords, beating of Drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison or quarters, shall suffer such punishment as shall be ordered by the sentence of general Court martial.

Punishment for occasioning false alarms.

ART. *Twenty Fifth.* Any Officer or soldier, who shall without urgent necessity, or without the leave of his superior Officer, quit his Platoon or division, shall be punished according to the nature of his offence, by the sentence of a Court martial.

Punishment for quitting platoons, &c.

Punishment for offering insult or abuse to persons bringing provisions, &c.

ART. *Twenty Sixth.* No Officer or Soldier shall do violence or offer any insult or abuse to any person who shall bring provisions or other Necessaries to the Camp, Garrison or quarters, of the forces of this Commonwealth, on pain of suffering such punishment as a Court martial shall direct.

— for abandoning posts in time of an engagement.

ART. *Twenty Seventh.* Whatsoever Officer or soldier shall abandon any post committed to his charge, or shall speak words inducing others to do the like in time of an engagement, shall suffer death; or such other punishment as shall be inflicted by the sentence of a general Court martial.

— for making known the watch-word.

ART. *Twenty Eighth.* Any person belonging to the Forces in the service of this Commonwealth, who shall make known the *watch word* to any person not intitled to receive it according to the Rules and discipline of War, or shall presume to give the parole or watch word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general Court martial.

Punishment for relieving the enemy with money, &c.

ART. *Twenty Ninth.* Whosoever belonging to the forces in the service of this Commonwealth, shall relieve the enemy with money, victuals or ammunition; or shall knowingly harbour and protect an enemy, shall suffer such punishment as by the sentence of a court martial, shall be inflicted.

Punishment for corresponding with the enemy.

ART. *Thirtieth.* Whosoever belonging to the *Massachusetts* forces, shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer such punishment as by the sentence of a Court martial shall be inflicted.

Public stores taken, to be for the use of the Commonwealth.

ART. *Thirty First.* All public stores taken from the enemy by the forces in the service of this Commonwealth, shall be secured for the use of the Commonwealth.

Punishment for leaving posts, in search of plunder.

ART. *Thirty Second.* If any Officer or Soldier shall leave his post or colours to go in search of plunder, he shall, upon conviction thereof, before a general Court martial, suffer such punishment as by the sentence of the said court martial shall be inflicted.

Punishment for compelling any commanding officer to abandon or give up his post to the enemy.

ART. *Thirty-Third.* If any commander of any Garrison, fortress or post, shall be compelled, by the Officers or soldiers under his command, to give up to the enemy, or to abandon it, the commissioned Officers, non-commissioned Officers or soldiers who shall be convicted of hav-

ing so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a Court martial.

ART. *Thirty Fourth.* All sutlers and retainers to the camp, and all persons serving with the *Massachusetts* Troops, in the field, shall be subject to orders according to the rules and discipline of War.

Sutlers and retainers subject to orders, &c.

ART. *Thirty Fifth.* If upon marches, guards, or in quarters, different corps shall happen to join, or do duty together, the eldest Officer by commission there, on duty or in quarters, shall command the whole, and give out orders for what is needful for the service, regard being always had to the several ranks of those corps, and the posts they usually occupy.

When different corps are joined, eldest officer to command.

ART. *Thirty Sixth.* If any Regiments, Troops, or detachments of horse or foot, shall happen to march with, or be encamped or quartered with any bodies or detachments of other Troops, the eldest Officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

If detachments of horse, &c. are quartered with other troops, the eldest officer to command, without respect to corps.

ART. *Thirty Seventh.* A general Court martial shall not consist of less than thirteen commissioned Officers, and the President of such Court martial, shall not be the commander in chief nor commanding Officer of the Troops in service or Garrison, where the Offender shall be tried, nor under the degree of a field Officer.

General courts martial, — how many members to consist of.

ART. *Thirty Eighth.* The members of Courts martial, shall, when belonging to different corps, take rank, as is herein before directed when on other duty.

Members, how ranked.

ART. *Thirty Ninth.* Some person shall be appointed by the commanding Officer, who shall order the Court martial to prosecute in the name of the Commonwealth of *Massachusetts*; and in trials of Offenders, such person shall administer to each member the following Oath :

Members to be sworn.

You swear, that you will well and truly try and determine, according to your evidence, the matter now before you, between the Commonwealth of *Massachusetts* and the prisoner to be tried; that you will duly administer justice according to the rules and articles for governing the Troops of the said Commonwealth, without partiality, favour or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; that you will not divulge the sen-

Form of the oath.

tence of the Court, until it shall be approved of by the commanding Officer; and that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court martial, unless required to give evidence thereof, as a witness by a Court of Justice, in a due course of Law.

So help you GOD.

Person who
prosecutes, to
be sworn.

Which oath being administered to the members of the Court, the President shall administer the following Oath to the person prosecuting as aforesaid.

Form of the
oath.

You A. B. do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court martial, unless required to give evidence thereof as a Witness, by a Court of Justice, in a due course of Law.

So help you GOD.

In giving votes,
how to proceed.

ART. *Fortieth*. All the members of a Court martial are to behave with calmness and decency; and in the giving their votes, are to begin with the youngest in commission.

Persons who
give evidence,
to be sworn.

ART. *Forty First*. All persons who give evidence before a Court martial, shall be examined upon oath, which oath shall be administered by the President of the Court martial, in the form following.

Form.

You swear, the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth.

So help you GOD.

Two thirds to
concur, when
sentence of
death is given.

ART. *Forty Second*. No sentence of death shall be given against any offender, by any general Court martial, unless two thirds of the members shall concur therein.

Persons refus-
ing to give evi-
dence, how
punished.

ART. *Forty Third*. All persons called to give evidence in any cause, before a Court martial, who shall refuse to give evidence, shall be punished for such refusal at the discretion of such Court martial.

ART. *Forty Fourth*. No Field Officer shall be tried by any person under the degree of a Captain, nor shall any proceedings, or trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, except in cases which require an immediate example.

Sentences to be
reported to the
commanding-
officer.

ART. *Forty Fifth*. No sentence of a court martial shall be put in execution until after report shall be made to the commanding Officer, where the Court martial shall be held, and his orders be issued for carrying such sentence into execution.

ART. *Forty Sixth.* The commissioned Officers in any Regiment, may by the appointment of their Colonel or commanding Officer, hold regimental Courts martial, for the enquiring into such disputes or criminal matters as may come before them, and for inflicting corporal punishment for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding Officer (not being a member of the Court martial) shall have confirmed the same.

Regimental courts martial may be held.

ART. *Forty-Seventh.* No regimental Court martial shall consist of less than five Officers, excepting in cases where that number cannot be conveniently assembled, when three may be sufficient; who shall likewise determine upon the sentence by the majority of voices.

To consist of not less than five officers.

ART. *Forty Eighth.* Any officer commanding in a Fort, Castle, Barrack, or elsewhere, where the Corps under his command consists of detachments from different Regiments, or of an independent Company or Companies, may assemble Courts martial for the trial of Offenders, in the same manner, as if they were regimental, whose sentence shall not be executed until it shall be confirmed by the said commanding Officer.

Any commanding-officer of a fort, castle, &c. may assemble courts-martial.

ART. *Forty Ninth.* No person whatsoever shall use menacing words, signs or gestures, in the presence of a Court martial, then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said Court martial.

Penalty for disturbing courts-martial.

ART. *Fiftieth.* To the end, that Offenders may be brought to justice, whenever any Officer or Soldier shall commit a crime deserving punishment, he shall by his commanding Officer, if an Officer, be put in arrest; if a non-commissioned Officer or Soldier, be imprisoned, until he shall be either tried by a Court martial, or shall be lawfully discharged by proper authority.

Offenders, how proceeded with, previous to trial.

ART. *Fifty First.* No Officer or Soldier, who shall be put in arrest or imprisonment, shall continue in his confinement, more than eight days, or until such time as a Court martial can be conveniently assembled.

Not to continue in confinement, more than eight days.

ART. *Fifty Second.* No Officer commanding a guard, or provost martial, shall refuse to receive or keep any prisoner committed to his charge by any Officer belonging to the forces of this Commonwealth; which Officer shall at the time of commitment, deliver an account in writing, signed by himself, of the crime, with which the prisoner is charged.

An account of the crime to be given, at time of commitment

Penalty for releasing prisoners without authority.

ART. *Fifty Third.* No Officer commanding a guard, or provost martial, shall presume to release any prisoner committed to his charge, without proper authority for so doing, nor shall he suffer any prisoner to escape, on the penalty of being punished for it, by the sentence of a Court martial.

Provost martials &c required to give in an account of the names, crimes, &c. of prisoners.

ART. *Fifty Fourth.* Every Officer or provost martial, to whose charge prisoners shall be committed, is hereby required, within twenty four hours after such commitment, or as soon as he shall be released from his guard, to give in writing, to the Colonel of the Regiment, to which the prisoner belongs (where the prisoner is confined upon the guard belonging to the said Regiment, and his offence only relates to the neglect of duty in his own corps) or to the Commander in chief, their names, their crimes, and the names of the Officers who committed them, on the penalty of his being punished for his disobedience or neglect, at the discretion of a Court martial.

Officers under arrest, leaving confinement, to be cashiered.

ART. *Fifty Fifth.* If any Officer under arrest, shall leave his confinement before he shall be set at liberty by the Officer who confined him, or by a superior power, he shall be cashiered for such his offence.

Officers convicted of unbecoming behaviour, to be discharged.

ART. *Fifty Sixth.* Whatsoever commissioned Officer shall be convicted before a General Court martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an Officer and a Gentleman, shall be discharged from the service.

Massachusetts artillery, to be governed by the aforesaid rules.

ART. *Fifty Seventh.* All Officers, Conductors, Gunners, Matrosses, Drivers, or any other person whatsoever, receiving pay or hire, in the service of the *Massachusetts* Artillery, shall be governed by the aforesaid rules and Articles; and shall be subject to be tried by Courts martial, in like manner with other Officers and Soldiers.

Courts martial may consist of their own officers, in some cases.

ART. *Fifty Eighth.* For differences arising amongst themselves, or in matters relating to their own corps, the Courts martial may be composed of their own Officers; but where a sufficient number cannot be assembled, or in matters wherein other corps are interested, the Officers of Artillery shall sit in Courts martial with the Officers of other corps.

No sentence of death to be passed, except in cases expressed.

ART. *Fifty Ninth.* No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing Articles, nor shall more than thirty nine stripes be inflicted on any Offender for any one offence.

ART. *Sixtieth*. The Field Officers of each and every Regiment, shall appoint some suitable person, belonging to such Regiment, to receive such fines as may arise within the same, for any breach of any of the foregoing articles; and shall direct the same to be properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiment; and such person shall account with such Officer for all fines received, and the application thereof.

Field-officers to appoint persons to receive fines, &c.

ART. *Sixty First*. All crimes not capital, and all disorders and neglects, which Officers and Soldiers may be guilty of, to the prejudice of good order and military discipline, tho' not mentioned in the foregoing articles, are to be taken cognizance of by a general or regimental Court martial, according to the nature and degree of the offence, and be punished at their discretion.

Crimes not mentioned in these articles, may be taken cognizance of.

ART. *Sixty Second*. Whenever any Officer or soldier shall be accused of a capital crime, or of having used violence or committed any offence against the person or property of the good people of this or either of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavours to deliver over such accused person or persons to the Civil Magistrate, and likewise to be aiding and assisting to the Officers of Justice in apprehending and securing the person or persons so accused, in order to bring them to trial. And if any commanding Officer or Officers shall willfully neglect, or shall refuse upon the application aforesaid, to deliver over such accused person or persons to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in apprehending such person or persons, such officer or officers so offending, shall be cashiered. *October 24, 1786.*

Any officer or soldier, accused of a crime punishable by the known laws of the land —

To be delivered over to the civil magistrate.

1786. — Chapter 38.

[September Session, ch. 8.]

AN ACT TO PREVENT ROUTS, RIOTS, AND TUMULTUOUS ASSEMBLIES, AND EVIL CONSEQUENCES THEREOF. *Chap. 38.*

Whereas the provision already made by Law, for the preventing routs, riots and tumultuous assemblies, and the evil consequences thereof, has been found insufficient: *Preamble.*

Proclamation to
be made among
rioters.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that from and after the publication of this Act, if any persons to the number of twelve, or more, being armed with clubs, or other weapons; or if any number of persons, consisting of thirty or more, shall be unlawfully, riotously, riotously or tumultuously assembled, any Justice of the Peace, Sheriff or Deputy Sheriff of the County, or Constable of the Town, shall among the rioters, or as near to them as he can safely come, Command Silence, while Proclamation is making; and shall openly make Proclamation, in these or the like words:

COMMONWEALTH OF *Massachusetts*.

Form.

By virtue of An Act of this Commonwealth, made and passed in the year of OUR LORD, One thousand seven hundred and eighty six, entitled, “An ACT for suppressing routs, riots, and tumultuous assemblies, and the evil consequences thereof,” I am directed to charge and command, and I do accordingly charge and command, *all persons*, being here assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains inflicted by the said ACT.

GOD Save the COMMONWEALTH.

If the persons
assembled do
not disperse,
— officers em-
powered, &c.

And if such persons, assembled as aforesaid, shall not disperse themselves within one hour after proclamation made, or attempted to be made, as aforesaid, it shall be lawful for every such officer to command sufficient aid, and he shall seize such persons, who shall be had before a Justice of the Peace; and the aforesaid Justice of the Peace, Sheriff or Deputy Sheriff, is hereby further empowered, to require the aid of a sufficient number of persons in arms, if any of the persons assembled as aforesaid shall appear armed: And if any such person or persons shall be killed or wounded, by reason of his or their resisting the persons endeavouring to disperse or seize them, the said Justice, Sheriff, Deputy Sheriff, Constable and their assistants, shall be indemnified and held guiltless.

And be it further Enacted, that if any person, being commanded by such Justice, Sheriff, Deputy Sheriff or Constable, as aforesaid, shall refuse or neglect to afford the assistance required, and shall be convicted thereof upon the oath of either of the said Officers, so command-

ing, or other legal evidence, he shall forfeit and pay a sum not less than *forty shillings*, nor exceeding *ten pounds*, to be recovered by indictment, or presentment, before the Supreme Judicial Court, or any Court of General Sessions of the Peace, according to the aggravation of the Offence; to be paid into the Public Treasury, for the use of the Commonwealth.

Penalty for refusing to assist the Sheriff or other officer.

And Be it further enacted, that all persons, who for the space of one hour after Proclamation made, or attempted to be made, as aforesaid, shall unlawfully, riotously, riotously and tumultuously continue together, or shall willfully let, or hinder, any such Officer, who shall be known, or shall openly declare himself to be such, from making the said Proclamation, shall forfeit all their lands, tenements, goods and chattels, to this Commonwealth, or such part thereof as shall be adjudged by the Justices, before whom such Offence shall be tried, to be applied towards the support of the Government of this Commonwealth; and shall be whipt thirty nine stripes on the naked back, at the Public whipping-post, and suffer imprisonment for a term not exceeding twelve months, nor less than six months; and once every three months during the said imprisonment, receive the same number of stripes on the naked back, at the public whipping post as aforesaid. And if any such person or persons, so riotously assembled, shall demolish or pull down, or begin to demolish or pull down, any dwelling house, or other house, or parcell thereof; any house, built for public uses; any barn, mill, malt house, store house, shop or ship, he or they shall suffer the same pains and penalties, as are before provided in this Act.

Punishment for unlawfully continuing together one hour after proclamation made.

Provided always, that where there shall appear any circumstances, to mitigate or alleviate any of the offences against this Act, in the judgment of the Court, before which such offence shall be tried, it shall and may be lawful, for the Justices of such Court, to abate the whole of the punishment of whipping, or such part thereof, as they shall judge proper; any thing in this Act, to the contrary notwithstanding.

Proviso.

And be it further enacted, that this Act shall be read, at the opening of every Court of General Sessions of the Peace, by the Clerk of the said Court, and at the anniversary meeting of each town, within this Commonwealth, by the town Clerk thereof, in *March* or *April*, annually:

Times when this act shall be read.

And no person shall be prosecuted, for any offence contrary to this Act, unless prosecution be commenced within twelve months after the offence committed.

October 28, 1786.

1786. — Chapter 39.

[September Session, ch. 9.]

Chap. 39. AN ACT, PROVIDING FOR THE MORE EASY PAYMENT OF THE SPECIE TAXES, ASSESSED PREVIOUS TO THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR.

Preamble.

Whereas it appears from a statement of the Treasury, That there is a considerable sum in specie, due on the outstanding Taxes, assessed previous to the year one thousand seven hundred and eighty four: And whereas from the great scarcity of cash, it is expedient, that some more easy and convenient mode should be adopted, for the speedy completing the collections thereof, than the mode heretofore practised:

Towns, &c. that are deficient, permitted to pay the balances due, in the species of articles expressed.

Be it therefore enacted, by the Senate and House of Representatives, in General Court Assembled, and by authority of the same, That the inhabitants of the several Towns, Districts, and other places, in this Commonwealth, who are deficient in the payment of the said Taxes, be, and they are hereby permitted to pay all the balances due on the several specie Taxes which were assessed previous to the year one thousand seven hundred and eighty four, (including the balances which remained due on the Beef Taxes) either in cash, or in the several species of articles hereinafter expressed, in the manner, at the several places, and the prices hereinafter enumerated, and established at each, — to wit:

Articles received at the town of Boston.

At a Store, or other convenient place, to be appointed in the Town of *Boston*, the following articles, at the respective prices annexed thereto viz.

Good merchantable Beef, at twenty shillings per hundred.

Good barrelled Beef, well salted and packed, according to Law, at two pounds eight shillings per barrel.

Good merchantable Pork, at four pence per pound.

Good barrelled Pork, in barrels of two hundred and twenty pounds each, well packed and salted, at three pounds fifteen shillings per barrel.

Good merchantable indian Corn at four shillings per bushel.

Good merchantable Wheat, at six shillings per bushel.

Good merchantable Rye, at five shillings per bushel.

Good merchantable Oats, at two shillings per bushel.

Good merchantable Barley, at four shillings per bushel.

Good Butter, at eight pence per pound.

Good Peas, at seven shillings per bushel.

Good Beans, at six shillings per bushel.

Good merchantable Pot Ash, at thirty three pounds per ton.

Good merchantable Pearl Ash, at forty four pounds per ton.

Good sole Leather, well tanned, at one shilling and four pence per pound.

Good merchantable four-penny Nails, at three shillings and nine pence per thousand.

Good merchantable six penny Nails, at five shillings per thousand.

Good merchantable eight penny Nails, at seven shillings per thousand.

Good merchantable ten penny Nails, at eight shillings and six-pence per thousand.

Good merchantable twenty penny Nails, at fifteen shillings per thousand.

Good, well dressed Flax, at ten pence per pound.

Good merchantable Sheeps Wool, at two shillings per pound.

Good Walnut Wood, at fifteen shillings per cord.

Other good Wood, at twelve shillings per cord.

Good ranging Timber, well hewed, of equal dimensions from end to end, board measure, at three shillings per hundred feet.

Good clear pine Boards, at forty eight shillings per thousand feet.

Good merchantable pine Boards, at thirty three shillings per thousand feet.

Good merchantable white oak Hogshead Staves, at four pounds ten shillings per thousand.

Good merchantable white oak Barrel Staves, at forty five shillings per thousand.

Good merchantable red oak Hogshead Staves, at forty five shillings per thousand.

Good Pine and Cedar Shingles, made according to Law, at twelve shillings per thousand.

Good merchantable Cod Oyl, at forty eight shillings per barrel.

Good Tow Cloth, yard wide, at one shilling and four pence per yard.

Good Tow Cloth, three quarters of a yard wide, at one shilling per yard.

Good merchantable white oak pipe Staves, at eight pounds eight shillings per thousand.

Good Cod Fish proper for the Jamaica market, at eighteen shillings per Quintal.

Good scale Fish (Hake and Haddock) at fourteen shillings per quintal.

Alewives, well packed and salted, at fourteen shillings per barrel.

Mackerel, well packed and salted, at thirty shillings per barrel.

Good Bar Iron, the manufacture of this Commonwealth, at twenty four shillings per cent.

Good Nail Rods, at forty shillings per cent.

Good two Inch White Oak Plank, at sixteen shillings per hundred feet, and in that proportion for Plank of a different thickness.

Good red oak Plank, at ten shillings and six pence per hundred feet, and in that proportion for Plank of a different thickness.

Good Hemp, the manufacture of this Commonwealth, at fifty shillings per hundred.

Good merchantable Flour, made of good Wheat, the growth of this Commonwealth, at twenty shillings per hundred.

Good Flax Seed, at six shillings per bushel.

Good merchantable Tobacco, well cured and packed in casks, according to Law, at thirty shillings per cent.

Good white Sperm Oil, at thirty pounds per ton.

Good Dripping Oil, at thirty pounds per ton.

Good Brown Oil, at twenty five pounds per ton.

Good Whale Bone, at two shillings and six pence per pound

Articles aforesaid, except wood and lumber, may be received at Salem and other places.

And the several articles aforesaid, except Wood, Timber, Boards, Plank, Staves and Shingles, may be received at the stores to be established in the Towns of *Salem* and *Newbury Port*, at the same rate; and at Stores to be established at *Bath*, *Portland*, *Biddeford*, *Berwick*, *Barnstable*, *Plimouth*, *Hanover*, *Sherburne*, in the county of *Nan-*

tucket, *Edgarton, Bedford* in the town of *Dartmouth*, and *Taunton*, at the same rate.

And be it further enacted, that the several articles herein after mentioned, shall be received at the several prices affixed thereto, at Stores to be established in the Towns of *Springfield, Northampton, Deerfield, Great Barrington,* and *Lanesborough*, to wit.

Articles here-
after mentioned,
may be received
at *Springfield,*
&c.

Good merchantable Beef, at eighteen shillings per hundred.

Good merchantable Pork, at three pence half penny per pound.

Good Wheat Grain, at five shillings per bushel.

Good Rye Grain, at three shillings and six pence per bushel.

Good Indian Corn, at three shillings per bushel.

Good Oats, at one shilling and six pence per bushel.

Good Peas, at five shillings per bushel.

Good Beans, at five shillings per bushel.

Good merchantable, well dressed Flax, at eight pence per pound.

Good Wheat Flour, at sixteen shillings per cent.

Good bar Iron, at twenty four shillings per cent.

Good Tobacco, well cured, and packed in casks, according to law, twenty five shillings per cent.

Good Sheeps Wool, at two shillings per pound.

Good Butter, at seven pence per pound.

Good merchantable Pot Ash, at twenty eight pounds ten shillings per ton.

Good merchantable Pearl Ash, at thirty-nine pounds ten shillings per ton

And on all Nails, the same price shall be allowed as is allowed at the Store in the Town of *Boston*.

And the several prices hereinafter annexed to the respective articles, shall be allowed thereon for such as shall be received and deposited in Stores to be established in the Towns of *Shrewsbury, Gardner* and *Lunenburg* — to wit.

Good merchantable Beef, eighteen shillings per cent.

Good Pork, three pence half penny per pound.

Good Rye Grain, four shillings and six pence per bushel.

Good merchantable Indian Corn, three shillings and four pence per bushel.

Good Wheat, five shillings and four pence per bushel.

Good Beans, four shillings and six pence per bushel.

Good Peas, five shillings and four pence per bushel.

Good Oats, two shillings per bushel.

Good Barley, three shillings and four pence per bushel.

Good merchantable, well dressed Flax, nine pence per pound.

And on all bar Iron, Nail Rods, Nails, Sheeps wool and Tow Cloth, the same price as is allowed on those articles when delivered at the Store in *Boston*.

And the following prices shall be allowed on the several articles hereinafter mentioned, to be received and deposited in a Store to be provided in the Town of *Concord*,—*to wit*.

Good merchantable Beef, eighteen shillings per cent.

Good Pork, at three pence three farthings per pound.

Good Wheat Grain, at five shillings and nine pence per bushel.

Good Rye Grain, at four shillings and six pence per bushel.

Good merchantable Indian Corn, at three shillings and nine pence per bushel.

Good Oats, at one shilling and ten pence per bushel.

Good Peas, at seven shillings per bushel.

Good Beans, at five shillings and six pence per bushel.

Good merchantable, well dressed Flax, at ten pence per pound.

Good Wheat Flour, at eighteen shillings per cent.

Good merchantable Pot Ash, at thirty one pounds, fifteen shillings per ton, and good Pearl Ash, forty two pounds fifteen shillings per ton; and the same prices shall be allowed on all Nails, Bar Iron, Nail Rods, and Butter, as is allowed for the same in the Town of *Boston*.

And be it further enacted by the authority aforesaid, that the Commissary General be, and he is hereby authorised and directed, to provide a sufficient number of Stores, to be under the direction of some judicious, faithful persons (for whose fidelity the said Commissary General shall be accountable) for the safe storage of the aforesaid enumerated articles, in the following places in this Commonwealth, viz. — one in the Town of *Boston*, one in the Town of *Newbury Port*, one in the Town of *Salem*, one in the Town of *Bath*, one in the Town of *Portland*, one in the Town of *Biddeford*, one in the Town of *Berwick*, one in the Town of *Barnstable*, one in the Town of *Plimouth*, one in the town of *Hanover*, one in the town of *Sherburne*, in *Nantucket*, one in the Town of

Commissary
General to pro-
vide stores in
places men-
tioned.

Edgartown, one in the town of *Dartmouth*, one in the town of *Taunton*, one in the Town of *Springfield*, one in the Town of *Northampton*, one in the Town of *Deerfield*, one in the Town of *Great Barrington*, one in the town of *Lanesborough*, one in the Town of *Shrewsbury*, one in the Town of *Gardner*, one in the Town of *Lunenburg*, and one in the Town of *Concord*:— And the Commissary General is hereby further directed, to receive any of the aforesaid articles, which may be brought for that purpose, by any Collector or Constable, or by any other person, who may be deficient in the payment of taxes as aforesaid, giving duplicate receipts therefor, expressing therein the species and the amount of the several articles; and he is hereby further directed, to dispose of the same in the manner hereinafter directed, for the benefit of this Commonwealth.

Commissary General directed to receive any of the aforesaid articles.

— to dispose of the same in manner directed.

And be it further enacted that each Constable and Collector in this Commonwealth, he and he is hereby authorised and directed, to demand and receive of the several persons named in their respective rate lists, of whom money cannot be obtained, the full amount of all the balances that remain due from the persons named as aforesaid, of all the specie taxes which were assessed previous to the year one thousand seven hundred and eighty four, in any of the articles, and at the several rates established by this act, in full discharge of such tax or taxes; and the said Collectors and Constables shall deliver the said articles to the Commissary General, or any person by him appointed to receive the same, taking duplicate receipts therefor, one of which shall be exhibited to the Treasurer of this Commonwealth; on receipt of which, the said Treasurer shall discharge the said Collector or Constable exhibiting the same, to the full amount of the several articles therein mentioned. *Provided always*, That the said Collector or Constable exhibiting such receipt, shall, at the same time, exhibit to the Treasurer a certificate from the Selectmen or Assessors of such town, district, or other place, certifying that they have examined the collections of such Collector or Constable, agreeable to Law, and the several sums by him or them so collected, and the balances which remain uncollected at the time of passing this Act, and expressing the sum collected by such Collector on each tax; and the sum that appears from such certificate to have been collected by

Constables authorized to demand specific articles.

— to deliver the same to the Commissary General.

Proviso.

any Collector or Constable before the passing of this act, shall be demanded by, and paid to the Treasurer, in the same way and manner as if this act had not passed; and the same mode shall be adopted in settling for executions with the several Sheriffs.

And whereas by this Act it is made the duty of each Collector or Constable, to deliver the several articles that he or they may receive, in manner aforesaid, for the payment of taxes, to the store most convenient therefor:

Selectmen or assessors, authorized to determine at what store articles shall be delivered.

Be it further enacted, that the Selectmen, and where there are no Selectmen, the Assessors of the several Towns, and other places in this State, be, and they are hereby respectively authorised and required, to determine at which store the same shall be delivered, giving preference to the Store at or nearest to *Boston*, and to reduce the price from the schedule hereinbefore affixed on each article to be received in their Town, so far as to make a reasonable compensation for the transportation of such articles from their town to the place of delivery, and to make a record thereof, and give a copy of such record to the Collectors or Constables concerned in the collection of such taxes in their Town, which price shall be the rate at which the Constables or Collectors of their town may demand and receive such articles. *Provided nevertheless*, that if any person or persons, indebted for Taxes as aforesaid, shall chuse to deliver any of the said Articles to any Store directed by the Selectmen as aforesaid, or at *Boston*, at the price set at such Store, rather than make the deduction directed by the Selectmen as aforesaid, he or they may deliver the same to such Store, taking duplicate receipts therefor; and the Constable or Collector, on receiving one of those receipts, shall give credit to the person exhibiting the same, to the amount thereof.

Proviso.

Duty of the Commissary-General, or the persons by him appointed, pursuant to this act.

Be it further enacted by the authority aforesaid, That it shall be the duty of the Commissary General, or the persons by him appointed pursuant to this Act, to receive the said enumerated Articles, and take due care thereof, that no loss accrue to the State; and he is hereby further empowered and directed to dispose of the same to the best advantage, either in Cash, or for the orders which have been, or may be drawn by the Treasurer on the aforesaid Specie taxes; and to render a just and accurate account of all the articles, so by him received, and of the

quantity of each article disposed of, and of the respective sums received on each, to the Governor and Council, if sitting, otherwise to the Governor, once in three months, at the least; and he is hereby further directed, to pay into the Treasury once in three months, at the least, all the monies and orders he has received for the said Articles, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

And whereas the Treasurer has anticipated a part of the said specie Taxes, by drawing orders on the several Collectors, Constables and Sheriffs, to the amount of Sixty four thousand pounds:

Therefore, Be it further enacted by the authority aforesaid, That the several persons in whose favor the said orders have been drawn, be, and they hereby are allowed to receive any of the said enumerated articles, at the price at which the same are set in the place where they are deposited, in discharge of such orders; and in case the possessors of such orders, shall not chuse to receive their pay in specific articles, they are hereby respectively permitted, to return the said orders to the Treasurer; and the Treasurer is hereby directed, on receiving such orders, to pay the amount of the same from the proceeds of the several articles herein before enumerated, when sold by the Commissary General.

November 8, 1786.

Persons in whose favor orders have been drawn, allowed to receive enumerated articles.

1786.—Chapter 40.

[September Session, ch. 12.]

AN ACT TO BRING INTO THE PUBLIC TREASURY, THE SUM OF ONE HUNDRED AND SIXTY THREE THOUSAND, AND TWO HUNDRED POUNDS, IN PUBLIC SECURITIES, BY A SALE OF A PART OF THE EASTERN LANDS; AND TO ESTABLISH A LOTTERY FOR THAT PURPOSE.

Chap. 40.

Whereas by a speedy sale of the eastern lands belonging to this Commonwealth, for the public securities, the debt of this Commonwealth, may be reduced; the burden of the necessary taxes, diminished, and the settlement and improvement of the vacant lands greatly promoted: And whereas the sale of the said lands may be facilitated by establishing a public Lottery therefor: Wherefore,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a Lottery be, and hereby is granted

Lottery established, for the sale of 50 townships.

Boundaries.

and established for the sale of the following fifty townships of land, in the County of *Lincoln*, each of the contents of six miles square, and laying between the rivers *Penobscot* and *Schuduc*, by Lottery Tickets of *sixty pounds* each, *to wit.* Townships number Seven, thirteen, fourteen, fifteen, sixteen seventeen, eighteen, nineteen, twenty, twenty one, twenty three, twenty four, twenty five, twenty six and twenty seven, being fifteen Townships in the east Division, so called; and Townships, numbered from fourteen inclusive to forty three inclusive, being thirty Townships in the middle Division so called; and Townships, Number two, three, four, five and six, in the northern Division, and southern range, so called. The whole Tract bounded as follows, *viz.* Beginning at the North West corner of Township Number eight, in the aforesaid middle Division; from thence running North, thirty miles; then East six miles; then North six miles; then East thirty miles; then South six miles; then East to *Schuduc River*; then down the middle of that River (through the *Schuduc Ponds*) to the South East corner of Township Number seven, in the East Division, being a heap of Stones by a Rock Maple tree on the West bank of *Schuduc River*, marked thus Δ 1764; then south forty-five degrees West, two miles one hundred eighteen rod, to a heap of Stones and white Pine Tree marked, on the North East side of *Meddy-Bemps Lake* or *Pond*, so called; then southerly through said Pond to the out-let thereof, or beginning of *Denney's River*; then down the middle of *Denney's River*, to a white Pine Tree on the West bank thereof, marked for the North East corner of Number ten in said East Division; then south eighty one degrees West, one mile one hundred rod, to a spruce Tree the North West corner of Number ten; then south nine degrees East, seven miles, to the North line of Number twelve; then south eighty one degrees West, to the East line of *Machias*; then North ten degrees West, on *Machias* line, to the North East corner thereof; then south eighty degrees West, eight miles to the north West corner of *Machias*; then South ten degrees East, to the North East corner of Number twenty two in said East Division; then South eighty degrees West six miles one hundred and fifty rod to a Beach Tree, the North West corner of Number twenty two on the East line of Number thirteen, in the middle Division; then North to the North East cor-

ner of said number thirteen ; then West on the North line of Number thirteen, twelve, eleven, ten, nine and eight, to the first mentioned bounds.

Provided nevertheless that there be reserved out of each Township, four lots of three hundred and twenty acres each, for public uses, *to wit*, one for the use of a public Grammar School forever one for the use of the Ministry, one for the first settled Minister, and one for the benefit of public Education in general, as the General Court shall hereafter direct. Proviso.

And be it further enacted by the authority aforesaid, that two thousand seven hundred and twenty Tickets, be printed off, and sold for *sixty pounds* each ; and that the said fifty Townships, be delineated and numbered on a plan or plans, to be made and entered in a Book for that purpose ; and that the residue of the said Townships, after making the reservations before mentioned, be divided into as many lots, to be drawn as prizes, as there are Tickets, and be numbered accordingly : and that there shall be one lot or prize of a Township, two prizes of half a Township each ; four prizes of a quarter of a Township each ; six prizes of three miles by two miles each ; twenty prizes of two miles by two miles each ; forty prizes of three miles by one mile each ; one hundred and twenty prizes of two miles by one mile each ; four hundred prizes of one mile square each ; seven hundred and sixty one prizes of one mile by half a mile each ; and thirteen hundred and sixty six prizes of half a mile square each ; reserving nevertheless, as is in this Act before mentioned ; making in the whole, two thousand seven hundred and twenty lots or prizes. Number of tickets to be printed, &c.

And be it further enacted by the authority aforesaid, That the several purchasers and proprietors of the Tickets in the same Lottery, shall be intitled to have and hold to themselves, their heirs and assigns, forever, such prize lots of the said fifty Townships, as may be drawn by their Tickets respectively, upon producing the same to the Secretary of the Commonwealth, within six months after drawing the said Lottery ; and having the same registered by him as is herein after provided : and such registry shall enure and operate to all intents and purposes, as a grant of the same lots respectively, on behalf of this Commonwealth, to the Proprietor or proprietors of the Tickets so drawing the same, without any other or further deed or Number and value of prizes.

Proprietors of tickets, — their title secured.

writing whatever; and an attested copy of such registry shall be sufficient evidence of the Party's title to the same.

Managers appointed.

Managers to be sworn.

An account of prizes to be published, &c.

Secretary to register the names, &c. of proprietors.

Drawing, when to commence.

And be it further enacted by the authority aforesaid, that the Hon. *Samuel Phillips*, and *Nathaniel Wells*, Esquires, and *John Brooks*, *Leonard Jarvis* and *Rufus Putnam*, Esquires be and they hereby are appointed Managers of the said Lottery; and shall be sworn to the faithful performance of their trust; and that they procure the said Tickets to be printed on good paper, and number and check the same; and that they lay down in a book and number the townships and lots as aforesaid; and that they publish the foregoing scheme of this Lottery, in such of the public News Papers, as they may judge best, in order to promote a speedy sale of the Tickets. And that, immediately on drawing the said Lottery, they publish an account of the numbers and prizes in one of the public News Papers, and forthwith return to the Secretary the Book and plans aforesaid, of the said Townships and lots, together with an account and list of the numbers and prizes drawn by the respective numbers, in opposite columns, fairly entered therein, and sign the same Book, and annex their seals to their names respectively.

And be it further enacted by the authority aforesaid, that when the proprietor of a ticket, shall produce the same to the Secretary, the said Secretary shall enter and register in the book, so to be returned to him by the Managers, against the number of such ticket and the prize lot it may have drawn, the name of such proprietor, with the place of his abode, and his addition, in three distinct columns, and certify the amount of the prize on the back of such ticket, and deliver the same to the proprietor thereof, if he shall request it, without demanding therefor, any fee or reward.

And be it further enacted by the authority aforesaid, that the said Lottery shall commence drawing in the town of *Boston*, on the first Wednesday of *March* next, at furthest; and in case all the tickets shall be sold before the said first Wednesday of *March*, that then the said Managers may, and shall proceed forthwith to draw the same; and such Tickets as may remain unsold on the said first Wednesday of *March*, shall be the property of this Commonwealth, And the Managers aforesaid shall previous to their beginning to draw the said Lottery, then deposit

the tickets which remain so unsold, in the Treasurer's Office, with a list of their numbers respectively.

And be it further enacted that the said Tickets may, and shall be sold, for the consolidated notes of this Commonwealth, or for the public Securities of the United States, called final Settlements, or for any other public securities on interest of the United States, or of this Commonwealth, or for silver and gold; and the said Managers are hereby directed accordingly. And in order to encourage the settlement and improvement of the said land.

Tickets may be sold for public securities, or silver and gold.

Be it further enacted by the authority aforesaid, that the said lots of land which shall be so drawn as prize, shall be exempted from every State or Continental land tax, from the date hereof, during the term of fifteen years; and that no State or Continental tax on the polls of such persons as shall settle and reside on such lots as shall be so drawn as prize, or on their estates actually within the same, shall be levied or assessed for and during the term of fifteen years from the date of this act.

Lands drawn, exempted from taxes, for fifteen years.

Polls exempted.

And be it further enacted by the authority aforesaid, that if any person shall forge, counterfeit or alter, or knowingly and willfully act or assist in forging altering or counterfeiting any lottery ticket that shall be issued by virtue of this act; or shall pass, utter, exchange or barter any such altered, forged or counterfeited ticket, knowing the same to be so forged, counterfeited or altered; or shall forge and counterfeit, or procure to be forged and counterfeited, or knowingly and willfully act or assist, in forging, altering or counterfeiting any letter of attorney, or instrument, or the books of the said Managers, to receive the benefit and advantage of any prize that may be drawn in the said lottery, or to deprive the true and lawful owner thereof; or shall knowingly and fraudulently demand to have any prize ticket registered for his use, by virtue of such counterfeit or forged letter of attorney or instrument; or shall falsely or deceitfully personate any true and lawful proprietor of a ticket, thereby transferring, or endeavouring to transfer, and convey the same, or receiving, or endeavouring to receive, the benefit and advantage thereof, as if such offender were the true and lawful owner of the said ticket, in all or either of the foregoing cases, the person so offending, and being thereof convicted, before the Justices of the Supreme Judicial Court, shall be fined not exceeding *one thousand pounds*,

Penalty for forging or counterfeiting tickets.

or less than *one hundred pounds*, or imprisoned not exceeding twelve months; or be sentenced to be publicly whipped, not exceeding thirty-nine stripes; or to set on the Gallows with a rope about his neck, for the space of one hour; or to be branded, or be sentenced to hard labor, pursuant to the act in such cases lately made and provided; or to suffer all or any of the said punishments, according to the discretion of the said Justices, and the nature and aggravation of the offence.

Managers to
pay the money,
&c. into the
treasury.

And be it further enacted by the authority aforesaid, That the said Managers be and hereby are required, to pay into the treasury of this Commonwealth, as they receive the same, all such sums of money and securities, as may be paid to them for tickets as aforesaid.

November 9, 1786.

1786. — Chapter 41.

[September Session, ch. 10.]

Chap. 41. AN ACT FOR SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS.

Preamble.

Whereas the violent and outrageous opposition, which hath lately been made by armed bodies of men, in several of the Counties of this Commonwealth, to the Constitutional Authority thereof, renders it expedient and necessary, that the benefit derived to the Citizens from the issuing of Writs of Habeas Corpus, should be suspended for a limited time, in certain cases:

Governour and
Council author-
ized to cause
persons to be
apprehended.

Be it therefore enacted, by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That the Governor, with the advice and consent of the Council, be and he hereby is authorised and empowered, by Warrant, under the Seal of the Commonwealth, by him subscribed, and directed to any Sheriff, Deputy Sheriff, or Constable, or to any other person, by name, to command, and cause to be apprehended, and committed in any Goal, or other safe place, within the Commonwealth, any person or persons whatsoever, whom the Governor and Council, shall deem the safety of the Commonwealth requires should be restrained of their personal liberty, or whose enlargement is dangerous thereto; any Law, Usage or Custom to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid,

That the Sheriffs, Deputy Sheriffs, Constables, or any other persons, to whom such Warrant shall be directed, are hereby authorised and empowered, whenever they shall judge it expedient, to require the Aid and assistance of such and so many of the Citizens of this State, in executing the same, as they shall judge necessary. And all persons, whose aid and assistance shall be thus required, are hereby enjoined to yield the same, on pain of forfeiting a sum not exceeding *one hundred pounds*, to be recovered by Indictment before the Supreme Judicial Court; one moiety thereof to the use of the prosecutor, and the other moiety to the use of the Commonwealth.

Sheriffs, &c.
powered to re-
quire aid.

And be it further enacted by the authority aforesaid, That any Sheriff, Deputy Sheriff, Constable, or other Person, to whom such Warrant shall be directed, shall have full power forceably to enter any Dwelling House, or any other Building, in which they shall have reason to suspect any person, required by such Warrant to be apprehended, is concealed; first demanding entrance thereinto.

— to enter
any dwelling-
house.

And be it further enacted by the authority aforesaid, That any Person who shall be apprehended and imprisoned, as aforesaid, shall be continued in imprisonment, without Bail or Mainprize, until he shall be discharged therefrom by order of the Governor, or of the General Court.

Imprisonment
of persons ap-
prehended.

And this Act shall continue and be in force until the first day of *July* next and no longer.

Limitation.

November 10, 1786.

1786. — Chapter 42.

[September Session, ch. 11.]

AN ACT FOR ESTABLISHING A COMPTROLLER-GENERAL.

Chap. 42.

Whereas it is indispensibly necessary that Government should, at all times, have regular and well-authenticated intelligence, of the navigation, trade and commerce of the State, in order that they may be able to determine, with precision, and with justice to the community, what regulations ought to be made therein, and what encouragement ought to be given to our own produce and manufactures, either by bounties, or by the prohibition of any foreign articles:

Preamble.

Be it therefore enacted by the Senate and House of Repre-

Comptroller-General to be annually appointed.

His duty.

Naval-officers & impost & excise-officers, to follow his directions.

Compt. General required to see that they discharge their duty, &c.

representatives, in General Court assembled, and by the Authority of the same, That there shall be appointed by the General Court, in their present session (the choice to originate in either House, and to be sent to the other House for concurrence, and afterward in like manner annually) an Officer, whose business it shall be to superintend the conduct of all the Naval Officers, the Impost and the Excise Officers, throughout this Commonwealth; to demand of them a settlement of all their public accounts, agreeably to Law; to point out to them a system of official book-keeping; and in general to give them such instructions relative to their official papers and conduct, in addition to those already pointed out by Law, as he shall deem necessary in order to establish an uniformity of proceeding in the several offices, and to enable him to render to Government, at any time, an accurate statement of the navigation, trade and commerce of the State; of the revenue derived therefrom, and of the expence of collecting the same. And the title of said Officer shall be, Comptroller-General.

Be it enacted, That the Naval Officers, the Impost and the Excise Officers, be and they are hereby required, to follow such instructions and directions, as they shall, from time to time, receive from the Comptroller-General; and he is particularly directed, to see that the Naval Officers pay due attention to the requirements of Law relative to clearing out articles for exportation.

Be it enacted, That the Comptroller-General be and he is hereby required, to see that the Naval Officers, the Impost and the Excise Officers, discharge their duties respectively; and if he finds any fraud, or neglect of duty, in either of said Officers, he is hereby required to give information thereof to the Governor and Council, who are requested, authorised and empowered, to call the Officer, so complained against, before them, to answer to such complaint; and if on due enquiry they shall find such Officer to be guilty of fraud, or neglect of duty, they shall dismiss him from his office, and fill up the vacancy immediately. And when any Naval Officer, Impost or Excise Officer, shall be dismissed for fraud or neglect of duty as aforesaid, the Comptroller-General shall put his bond in suit. And when any Deputy shall be guilty of fraud or neglect of duty, and the same shall be represented and proved as aforesaid, the Governor and Council shall order the constituent of such Deputy to dismiss him, and the

Comptroller-General shall put the bond of such constituent in suit also, in order that the Commonwealth may receive no detriment by any fraud or neglect of duty as aforesaid.

Be it enacted, That the Comptroller-General be, and he is hereby instructed to direct the Collectors to keep their books in such a manner as that it shall appear how much money is received for Excise, how much for Impost, and how much for seizures, fines, forfeitures and Licences.

Compt. General to direct Collectors in what manner to keep their books.

Be it enacted, That on settlement of accounts with the Naval Officers and Collectors, the Comptroller-General be empowered to make them an allowance for all official account books, or books of entry.

— to make them allowance, on settlement.

Be it enacted, That the Comptroller-General shall regularly post into a proper set of books the returns he shall receive from the Naval Officers and Collectors, and shall keep distinct accounts of all monies received by Virtue of this Act, and also of the allowances made to each Officer; and he shall adjust and settle his accounts under oath with the Treasurer, in the month of *June* annually.

— to post their returns into a proper set of books.

Be it enacted, That the Comptroller-General be sworn to the faithful discharge of the duties of his office; and the Treasurer is hereby empowered to administer the oath, and also to demand and receive of the Comptroller-General, before he enters on the duties of his office, a bond with sufficient sureties, in a sum not less than *ten thousand pounds*, conditioned, that he will truly and impartially, according to his best skill and judgment, execute the business herein assigned him, agreeably to Law.

— to be sworn & to give bond.

Be it enacted That the Comptroller-General shall receive such pay for his services, as shall be established at the time of his appointment; and he shall begin to exercise the duties of his office on the first day of *January* next.

Pay, — when established.

November 10, 1786.

1786. — Chapter 43.

[September Session, ch. 14.*]

AN ACT FOR RENDERING PROCESSES IN LAW LESS EXPENSIVE. Chap. 43.

Whereas it is the duty of the Legislature to provide means, whereby the decision of civil causes should be as speedy, and attended with as little expence to the Citizens of this Commonwealth, as the nature of things will admit. Preamble.

* Chapter 13 not printed in Session Pamphlet.

Justices of the
Peace, — their
power.

— to issue
writs of attach-
ment and sum-
mons.

Form of the
summons.

Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That every Justice of the Peace within this Commonwealth, is hereby impowered to take cognizance of all civil actions, of the value of more than four pounds, arising or happening within their respective Counties, triable by the common or statute laws, of what nature or species soever, excepting all actions wherein the title of real estate is to be determined, in the manner herein after prescribed: and it shall be the duty of every Justice of the Peace, upon application made by any person or persons, who shall first exhibit his, her, or their debt or demand, to issue a Writ of attachment and summons thereon, or an original summons, directed to some proper Officer within the same County, impowered by Law to execute the same; directing the person or persons, against whom such Writ or summons shall issue, to appear before him the said Justice, on a day therein mentioned, to confess such debt or demand; and such writ or summons shall be duly served by such Officer, at least fourteen days before the day therein set for confession; otherwise the party summoned shall not be held to answer thereon. Such summons to be in the form following.

(Summons for appearance.)

[L. S.] S—— ss.

To the Sheriff of the said County of S——, or either of his Deputies, or any of the Constables of the Town of B. within the said County.

Greeting.

In the name of the Commonwealth of *Massachusetts*, you are required to summon and give notice unto T. P. of B. aforesaid (addition) if he may be found in your Precinct, that he appear before me, J. D. esquire, one of the Justices of the Peace for the County aforesaid, at my dwelling House in B. on the day of at of the Clock in the noon; then and there to answer to E. L. of M. (addition) and confession make, if he see cause, of the debt, trespass or demand (as the case may be) [*here insert the declaration*] as shall then and there appear, with other due damages, and of this Writ, with your doings therein, you are to make true return unto myself, at or before the said day of

Dated at B. aforesaid, the day of , in the year of our LORD, J. D. Just. Pacis.

(Capias or Attachment.)

[L. S.] S—— ss.

To the Sheriff of the said County of S. or either of his Deputies, or any of the Constables of the Town of B. within the same County. Capias or attachment.

Greeting.

In the name of the Commonwealth of *Massachusetts*, you are required to attach the goods or estate of T. P. of B. aforesaid (addition) to the value of , and for want thereof, to take the body of the said T. P. if he may be found in your Precinct, and him safely keep, so that he may be had before me, J. D. esquire, one of the Justices of the Peace for the County aforesaid, at my dwelling House in B. on the day of , at of the Clock in the noon; then and there to answer to E. L. of M. (addition) and confession make, if he see cause, of the debt, trespass or demand (as the case may be) [*here insert the declaration,*] as shall then and there appear, with other due damages. Hereof fail not, and make due return of this Writ, and of your doings therein, unto myself, at or before the said day of

Dated at B. aforesaid, the day of in the year of our Lord, J. D. Just. Pacis.

(Summons when Goods are attached.)

[L. S.] S—— ss.

To T. P. of D. in the County of S. (addition.)

Greeting.

In the name of the Commonwealth of *Massachusetts*, you are commanded to appear before me, J. D. esquire, one of the Justices of the Peace for the County aforesaid, at my Dwelling House in B. on the day of , at of the Clock in the noon, to answer unto E. L. of M. (addition) in a process of confession. (*here insert the declaration*) which process the said E. L. hath commenced to be heard before me. And your goods or estate are attached to the value of for security to satisfy the Judgment which the said E. L. may recover upon the aforesaid process. Fail not of appearance at your Peril. Summons when goods are attached.

Dated at B. aforesaid, the day of in the year of our Lord, J. D. Just. Pacis.

Validity of attachments.

And any attachment of real or personal property, duly made, in consequence of the aforesaid Writ or Summons, shall be held good and valid, through the several processes that may be had on the cause, to final judgment, and until thirty days after the time provided by Law, for execution to issue, unless the Defendant shall be discharged therefrom, by order of Law: and the body of any person attached by virtue of the aforesaid Writ or attachment, shall be held until discharged by the creditor, or by order of Law.

If the defendant appear to confess the demand, —

And if the Defendant shall appear to confess the debt or demand, the confession shall be in the form following.

Form of the confession.

KNOW all men, that I C. D. of in the County of S. do owe unto E. L. the sum of of the lawful money of *Massachusetts*, to be paid to the said E. L. on the day of , 17 and if I shall fail of the payment of the debt aforesaid, by the time aforesaid, I will and grant, that the said debt shall be levied of my goods and chattels, lands and tenements, and in want thereof, on my body.

Dated at , this day of in the year of our Lord, 17 Witness my hand and seal.

C. D. ()

— ss. *Acknowledged the day and year last mentioned, before me,* A. B. Just. Pacis.

Party not appearing, judgment shall be given against him.

And be it further enacted by the authority aforesaid, That if after such Writ or Summons shall be duly served, the party summoned, after being duly called, shall not appear to answer to the same suit, the charge against him in the declaration shall be taken to be true, and the Justice shall give Judgment against him for such damages as he shall find the plaintiff hath sustained, with costs: And in case the Defendant shall appear, and confess the debt or demand, or make default as aforesaid, execution shall issue from the Justice, after the expiration of fifty days from the time of confession or default, which execution may run into any County or place, and is hereby made awardable into any County or place in this Commonwealth, and shall be there executed by the Sheriff, Deputy Sheriff, or Constable to whom it shall be directed, and shall be in the form following, viz.

If the defendant shall appear and confess the debt, or make default, execution shall issue after fifty days.

Commonwealth of *Massachusetts*.

[L. S.] *To the Sheriff of the County of* *his under* Form of the execution.
Sheriff, or Deputy, or either of the Constables of the Town
of *Greeting.*

Because C. D. of in our County of on the
 day of in the Year of OUR LORD, 17
 before me A. B. esquire; one of the Justices of the Peace
 for the County of acknowledged (by confession or
 non appearance, as the case may be) that he was indebted
 to E. F. of in the County of in the sum of
 which he ought to have paid on the day of
 And there now appears to be due

WE command you therefore, that of the goods, chattles, or real estate of C. D. within your Precinct, you cause to be paid, and satisfied unto the said E. F. at the value thereof, in money, the aforesaid sum of
 together with costs of process, and for this writ, and thereof also satisfy yourself your own lawful fees. And for want of goods, chattles, or real estate of the said C. D. within your Precinct, to satisfy the sums aforesaid, and your said fees: WE Command you to take the body of the said C. D. and him commit unto our Goal in our County of aforesaid, there to be detained in the said Goal until he pay the full sums above said, with your said fees, or that the said C. D. be discharged by the said E. F. the creditor, or otherwise by order of Law. Hereof fail not, and make return of this writ with your doings thereon, unto the above said A. B. within ninety days from the date hereof. Witness the said A. B. at the day of in the Year of Our LORD,
 17 A. B.

And be it further Enacted by the authority aforesaid that in case the defendant shall appear, agreeably to the summons aforesaid, and shall dispute the demand therein stated against him, the Justice shall use his best endeavors, to induce the parties to a reference of such dispute or demand; and in case the parties agree to refer such dispute or demand, and agree on the persons to determine the same; the referrees shall have the same power, and the same proceedings shall be had thereon, in all respects, as is pointed out by an Act passed the present year, entitled, “An Act for rendering the decision of civil causes, as speedy and as little expensive as possible”:

If the defendant shall dispute the demand, Justice shall use his endeavours to induce a reference.

Referrees power.

Justices to keep
a record of their
proceedings.

Penalty for
neglecting.

When parties
do not consent
to a reference,
what proceed-
ings shall be
had.

And every Justice of the Peace, shall keep a fair record of his proceedings, in all actions brought before him, as in this Act is provided, in a book to be kept for that purpose ; which record, shall, on the death or removal from Office of the Justice, be lodged in the Office of the Clerk of the Court of Common Pleas, in the same County. And if any Justice of the Peace, on his removal from Office, shall neglect to lodge the record of his proceedings, as aforesaid, for the space of six months from such removal, he shall forfeit, and pay the sum of *Fifty pounds* ; and if the executor or administrator, on the estate of a deceased Justice, shall neglect to lodge such record as aforesaid, for the term of three months, after the same shall come to his hands, he shall forfeit and pay the like sum of *Fifty pounds* : and if any person shall knowingly destroy, deface or conceal any of the records of a Justice of the Peace after his decease, such person shall forfeit and pay the sum of *One hundred pounds* ; the said fines and forfeitures shall be sued for and recovered in the same manner as by this Act is provided for the recovery of debts ; one half thereof to the use of him or them, who shall sue for the same, and the other half to the use of the County, to which such Justice while in Office belonged.

And be it further enacted by the authority aforesaid, That when a debt or demand brought before a Justice of the Peace, agreeably to this Act, is disputed by the defendant ; and the parties do not consent to settle the same by a reference, the Plaintiff may carry such demand before the Court of Common Pleas for trial, on his giving notice to the defendant, in presence of the Justice (who shall record the same) of the time and place where the said action is to be heard and tried ; in which case, a copy of the process before the Justice, with all the papers and evidence filed in the case, together with the plaintiff's declaration, shall be lodged in the Office of the Clerk of the Court of Common Pleas in the County where trial is to be had, at least seven days before the sitting of the Court : and the plaintiff shall have a right to amend his declaration after the process before a Justice, any time previous to the same being lodged in the Clerk's Office. *Provided,* That if an alteration shall be made in the substance of the declaration, the plaintiff shall cause the defendant to be notified thereof, fourteen days before the sitting of the said Court ; and shall pay the costs that shall have arisen before such alteration was made.

And be it further enacted by the authority aforesaid, that but one Attorney be allowed to plead on either side, in any cause before the Court of Common Pleas.

But one attorney allowed on either side.

And be it further enacted by the authority aforesaid that all writs and summonses issued by virtue of this Act, shall be issued by a Justice of the Peace in the County where the debtor or defendant resides; and if the defendant shall demand a trial by Jury, such trial may be had, in the County where the Creditor resides, if he shall require it.

Writs and summonses, — how issued.

And be it further enacted by the authority aforesaid, That no civil action shall be cognizable in the Courts of Common Pleas, which shall be commenced after the first day of *January* next, (except actions in which the title of real estate is to be determined) unless it hath first been commenced and proceeded upon before a Justice of the Peace, as is provided by this Act.

All actions to commence before a Justice of the Peace, — except.

Be it enacted by the Authority aforesaid, that there shall be paid by the several Justices of the Peace, to the Collector of Excise in the County or district to which they respectively belong, for each and every writ, original summons and Execution, *eight pence*, to be made up in the Bill of Cost, and paid at the same time, and in the same manner, as other Duties of them required.

Duty on writs, &c.

And be it further enacted, that this Act shall begin to operate and be in force, on, and after the first day of *January* next, and shall continue for the term of two Years, and no longer.

Limitation of this act.

November 15, 1786.

1786. — Chapter 44.

[September Session, ch. 15.]

AN ACT GRANTING INDEMNITY TO SUNDRY OFFENDERS, ON CERTAIN CONDITIONS, AND PROVIDING FOR THE TRIAL OF SUCH, WHO SHALL NEGLECT OR REFUSE TO COMPLY WITH SAID CONDITIONS, AND OF THOSE WHO SHALL BE GUILTY OF LIKE OFFENCES IN FUTURE.

Chap. 44.

Whereas many deluded persons, from a pretence of redressing public grievances, have forcibly interrupted the regular administration of Law and Justice in several Counties in this Commonwealth, and have committed outrages which tend to the utter subversion of the Constitutional authority thereof: And Whereas the Legislature, are willing to extend their clemency to all such deluded persons,

Preamble.

provided they return to a due sense of their allegiance to the Government, as well as determined to punish those, who shall persevere in their destructive opposition :

Persons concerned in outrageous proceedings, required to take the oath of allegiance.

Be it therefore enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that all persons, of what description soever, who, since the first day of June last, being Citizens of this Commonwealth, may have been concerned in obstructing the sitting of the Courts of Law in any County in this Commonwealth, or in any outrageous proceedings, which may have been done or committed by tumultuous bodies of men, assembled for the purpose of opposing the authority of Government and due execution of the Laws, be, and they are hereby required, before some lawful magistrate, to take and subscribe the oath of allegiance, prescribed in the Constitution of said Commonwealth, on or before the first day of January next.

Certificates thereof to be returned into the Secretary's office.

And be it further enacted by the authority aforesaid, that the several magistrates before whom the offenders aforesaid, shall take and subscribe the said oath of allegiance, shall return certificates thereof unto the Secretary's Office, as soon as may be, after the taking and subscribing of the same.

Those who take the oath, indemnified from prosecution.

And be it further enacted, That all persons, who may have been concerned in obstructing the sitting of the Courts of Law, or in any outrageous proceedings as aforesaid, who shall, before the said first day of January, take and subscribe the oath of allegiance in manner as aforesaid, be, and they are hereby indemnified, from all criminal prosecutions to which they may be liable on account of their illegal proceedings as aforesaid. Provided nevertheless, that the indemnity granted by this Act, shall not be extended to any person or persons, who, after the publication of said Act, and before the said first day of January, shall be concerned in obstructing the sitting of the Courts of Law, or in any outrageous proceedings, subversive of the authority of Law and Government ; but they shall, in all respects, be liable to be apprehended and tried, in manner as is hereafter provided. And it is hereby further provided that nothing contained in this Act shall be construed to extend to indemnify any person or persons whatever, from any suits or prosecutions to which they may be liable, for injuries done or committed to the property or persons of any individual.

Proviso.

And be it further enacted by the authority aforesaid, that all such persons, who may have offended as aforesaid, and who shall neglect or refuse, before the said first day of *January* next, to take and subscribe the oath of allegiance, in manner as aforesaid, shall be subject to be apprehended and tried before the Justices of the Supreme Judicial Court, either in the County in which said offence was committed, or in any County within this Commonwealth nearest thereto, where Law and Justice can be administered without apprehension of interruption. And all persons who shall, after the publication of this Act, be guilty of the like offence, shall be liable to be tried in the same manner. And such trial shall be had, judgment rendered, and execution done, to all intents and purposes, in like manner and form, as if such offences had been committed within the body of the same County where the said trial may be had; any Law or usage to the contrary notwithstanding.

Persons neglecting, subject to be apprehended & tried in any county.

November 15, 1786.

1786. — Chapter 45.

[September Session, ch 16]

AN ACT, FOR SUSPENDING THE LAWS FOR THE COLLECTION OF PRIVATE DEBTS, UNDER CERTAIN LIMITATIONS.

Chap. 45.

Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that all the Laws heretofore enacted, and now in force in this Commonwealth, for the collection of private debts, in specie, be, and they hereby are suspended for the term of eight months from and after the passing of this Act.

Laws for the collection of debt in specie, suspended.

And whereas the circumstances of some debtors may be so embarrassed as to render it expedient for their creditors to secure their demands, and some creditors may be disposed to receive their dues in specific articles, rather than to wait 'till the expiration of this Act:

Be it therefore enacted by the authority aforesaid, That when, and so often as any creditors shall commence any action against a debtor, and recover judgment and execution thereon, and in all cases where execution hath been already issued on judgment rendered, unless the creditor shall chuse to have his execution issued on a judgment already rendered, returned unsatisfied (in which case the creditor shall be intitled to interest on his said execution

When actions are commenced, and judgment & execution recovered, real or personal estate may be tendered.

Debtor to make
declaration on
oath, of all his
property.

Creditor to take
his choice of the
debtor's estate,
except.

Executions,
how levied.

For want of
estate, it may be
lawful to take
the body.

Proviso.

so long as the same shall remain unsatisfied) it shall, and may be lawful for the said debtor to pay and discharge the said execution in real or personal estate, or both, on condition that the debtor shall make declaration under oath of all his property of every kind, if required by the creditors. If the debtor shall give false information respecting his property, or conceal any part thereof, he shall be liable to prosecution therefor; And the creditor shall have a right to take his choice of the debtor's estate, real or personal, or both, except household furniture, necessary for upholding life, farming utensils, wearing apparel, necessary for cloathing, and the tools of Mechanicks necessary for prosecuting his or their trades. And the said execution shall be levied in the manner following, viz. The debtor being the legal owner and possessor of such estate, it shall be received by the said creditor in discharge of the said execution at the appraisal of three disinterested and discreet men, being freeholders of the same County, and chosen in the following manner, *that is to say*, the creditor shall chuse one, the debtor shall chuse one, and the officer serving the said execution, shall chuse the other of the said Apprizers. And in case either of the parties shall neglect or refuse to chuse as aforesaid, the said Officer shall chuse in the room of the party thus neglecting or refusing. And the persons thus chosen, shall previous to their entering on the said business, before some Justice of the Peace, within the same County, be sworn faithfully and truly to apprise such real or personal estate, as shall be presented unto them for the purpose aforesaid, at the true and real value thereof in specie, according to their best skill and judgment. And the said Officer shall at the time and place of apprizal, duly deliver the said estate, thus apprizd, to the said creditor, his agent or attorney, and endorse the whole amount thereof on the said execution, in full or in part discharge thereof, as the case may be. And for want of estate sufficient to satisfy such execution, it shall and may be lawful, by virtue of the same execution, to take the body of such debtor, and him commit to the common Goal of the County, there to remain until he shall pay and satisfy the remainder of the said execution, or be discharged by the creditor, or otherwise, in due course of Law. *Provided always*, that where real estate is taken at the election of the creditor, one year shall be allowed for the redemption of the same; but if

taken at the option of the debtor, he shall be deprived of his right of redemption.

And be it further enacted by the authority aforesaid, that if any suit shall hereafter be commenced within this Commonwealth, against any debtor, being a Citizen thereof, such debtor, after due notice given to the creditor or creditors commencing such suit, or to his or their agent or attorney, is hereby authorised to tender real or personal estate in full satisfaction of the debt due to the said creditor, together with all legal costs of suit to the time the said tender was made: in which case, if the said debtor shall make declaration under oath, of all his property of every kind, and shall consent that his creditor shall take his choice thereof, in manner aforesaid, and that the same should be appraised by appraisers, chosen as aforesaid, (saving that the appraizer, which in the case of an execution is to be chosen by the Officer serving the same, shall be appointed by a Justice of the Peace) or in case the creditor shall chuse to receive his debt in real estate, if the said debtor, after the same is appraised and set off, shall make and execute a good and lawful deed thereof to the creditor, sufficient to hold the same in fee, with warranty, such citizen or debtor, on making a tender as aforesaid, to the said creditor, his agent or attorney, before two or more good and lawful witnesses, or on executing a deed as aforesaid, shall never be holden to pay any cost of suit or interest that may arise on the said debt, after the time the said tender was made.

If suits are hereafter commenced, real or personal estate may be tendered, in full satisfaction.

In which case debtor shall not be held to pay any costs, after such tender.

Proviso, that this act shall not extend, &c.

Provided nevertheless, that nothing in this Act shall be construed to extend to any public Officer or Officers, Agent or Agents, Attorney or Attorneys, who may have in his or their hands, monies in trust, the property of individuals: nor shall any creditor be hereby debarred from bringing an action, for the recovery of interest, in specie, on contracts where interest in specie is promised; but such creditor or creditors may, and they hereby are empowered to commence an action or actions, as the case may be, for interest only; and prosecute the same to final judgment and execution; and when recovered, to endorse the same on the obligation on which such action was founded.

Provided also, that nothing in this Act shall be construed to extend to any bills of exchange which have been, or which shall hereafter be protested according to Law. *Provided also,* that nothing in this Act shall be so con-

Further proviso.

strued as to militate or interfere with any treaty or treaties now subsisting, or which may be formed between the United States of *America*, and any other nation; any thing in this Act, to the contrary notwithstanding. *Provided also* that nothing in this Act shall be so construed as to affect any notes due to, or from the President and Directors of the *Massachusetts-Bank*.

Executions,
how expressed.

And be it further enacted by the authority aforesaid, that in all cases when the debtor shall have a right to tender real or personal estate to be received at an appraised value, it shall be expressed in the execution, which shall be hereafter issued against him.

Limitation of
this act.

This Act to continue and be in force, for the term of eight months, from the passing thereof, and no longer.

November 15, 1786.

1786. — Chapter 46.

[September Session, ch. 17.]

Chap. 46. AN ACT FOR ALTERING A CERTAIN CLAUSE IN AN ACT, ENTITLED, "AN ACT REGULATING THE EXPORTATION OF FLAX SEED, POT ASH, PEARL ASH, BEEF, PORK, BARRELED FISH, AND DRIED FISH."

Preamble.

Whereas in and by the said recited Act, it is enacted, that each barrel of pork shall weigh two hundred pounds weight; which Act is found to operate injuriously to the Citizens of this Commonwealth: Therefore,

Clause altered.

Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that from and after the first day of December next, the aforesaid clause in the above recited Act, shall be so far altered, as that, instead of the weight of barrel pork, which in the said clause is prescribed, each and every barrel of pork that shall be offered for sale, shall weigh two hundred and twenty pounds.

November 16, 1786.

1786. — Chapter 47.

[September Session, ch. 18.]

Chap. 47. AN ACT APPROPRIATING THE REVENUE ARISING FROM THE DUTIES OF IMPOST AND EXCISE.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of

the same, that from and after the first day of *January* next, the Revenue arising from the Duties of Impost and Excise, shall be appropriated to the following purposes, *that is to say*; One third part thereof, shall be annually paid in Specie into the Treasury of this Commonwealth, for the exigencies of Government, and the remaining two third parts thereof, shall be appropriated for the payment of the Interest, which is or may become due upon the consolidated Notes of this Commonwealth, which two third parts shall be equally distributed, as near as may be, amongst the holders of said securities, in proportion to the sums due to them respectively.

Revenues, how appropriated.

November 17, 1786.

1786. — Chapter 48.

[September Session, ch. 19.]

AN ACT TO RAISE A PUBLIC REVENUE BY IMPOST.

Chap. 48.

As it is for the interest, dignity and happiness of every well-regulated Government, to make early and ample provision for the payment of their just debts, and for the firm establishment of their public faith and credit: so it is their duty to adopt such means to effect these important national purposes, as shall be the least burdensome to their constituents:

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court Assembled, and by the authority of the same, That on and after the first day of January next, there shall be paid an impost duty of fifteen per centum, ad valorem on all kinds of plated Ware, silver and ivory handled knives and forks, all kinds of Jewellery and paste work — Carpets of all kinds — Copper plate furniture, Umbrelloes, looking Glasses, China, Glass, earthen and Stone ware, Silks of all kinds, Gauzes, Lawns and Cambricks, and all kinds of cotton goods, Silk velvets, muffs and Tippetts, Gloves and mittens of all sorts except leather, Silk and thread hose, muslins, hyson Tea, hard soap, hair brushes, tin plate ware, all foreign spirits of the kinds commonly known by the name of cordials, and all kinds of leather, coach and chaise lace, beef and pork, Soap, nails and tin ware, wrapping and printing paper, and account books.

Duty of 15 per cent. on articles enumerated.

An impost duty of ten per centum ad valorem, on all cutlery ware, except as before mentioned, on all wrought

Ten per cent. duty.

pewter and copper, except sheet-copper, on all kinds of iron, steel and brass ware including in this description every thing that is made of iron, steel and brass, or any, or either of them, and whether the same be, or be not, attached to, or connected with any wooden ware, and on window glass, cordage, cables and yarns of foreign growth or manufacture. And an impost duty of *five per centum, ad valorem*, on all other goods, wares and merchandize of foreign growth or manufacture, that shall be brought into this State by land or water, except such goods, and in such cases, as is hereafter otherways provided for.

Five per cent.

Impost of one per cent. on all imported hemp.

Be it enacted, that there shall be paid an impost duty of *one per cent.* on all hemp, that shall be imported into this Commonwealth, which shall be appropriated for encouraging the raising of hemp in this Commonwealth, agreeably to a Resolve of the General Court for that purpose.

Commanders of vessels, on their arrival, to make report thereof to the naval-office, &c.

Be it enacted, That the Captain or commanding officer of any vessel or float, shall immediately after his arrival in any port or harbor in this State, make report thereof to the Naval office; and shall also within forty eight hours after his arrival as aforesaid, make due entry by manifest, under oath, of all the Cargo, freight and adventures, which were on board said Vessel or float at the time of her arrival within the limits of this State, together with the proper names of the several packages containing the goods, with their marks and numbers respectively; and on failure hereof shall forfeit and pay a fine of *one hundred pounds* lawful money, and the vessel or float shall be attached and held and sold for the payment of said fine, unless other sufficient security is given. *Provided nevertheless*, if any Vessel or float shall put into any port thro' stress of weather, or contrary winds, to lay only till she can proceed on her voyage, or to her port of discharge, without breaking bulk, then the Captain or commanding officer thereof shall not be held to enter a manifest as aforesaid, but shall be held to report only to the proper naval office.

Penalty for failure.

Proviso.

Goods taken out of any vessel, without a permit, shall be forfeited.

Be it enacted that all Goods, wares and merchandize whatever, which shall be taken out of any vessel or float without a permit therefor, in writing, from the Naval officer of the port, or his deputy, shall be forfeited. And if any goods whatever, belonging to, or that come to the care of any owner or master of any vessel or float, shall be so taken out they shall not only be forfeited, but the

vessel or float also, together with her tackle, appurtenances and Cargo, being the property of such owner or master, shall be forfeited. *Provided nevertheless* If any owner of any vessel or float, either in part or in whole, shall make it appear, to the satisfaction of the Court, before whom the trial shall be had, that any goods, wares or merchandize taken out of such vessel or float contrary to law, were so taken without his knowledge, and contrary to his intention; then such owner shall be exempted from the forfeiture of his part of such vessel or float, and of the Cargo thereof; and the master of the said vessel or float shall forfeit the full value of such vessel, float and cargoes, as is before described. Proviso.

Be it enacted, That no naval officer or Deputy shall give a permit for unlading any dutied goods, until he has received a certificate from the proper Collector or his Deputy, that the duty is secured. Permit shall not be given, till the duty is secured.

Be it enacted, That every importer or consignee of dutied goods, shall produce to the Collector or his deputy, the original invoice of all the dutied goods contained in those identical packages mentioned in the manifest, and which he wants a permit to unlade, and he shall take the following oath, viz. Importer or consignee, shall produce the original invoice, under oath.

You A. B. do solemnly swear (or affirm) that the invoice (or invoices) by you now produced, contain, to the best of your knowledge and belief, all the goods, wares and merchandize that have come to your care, on board of the

C. D. Master, and that the price affixed to each article is the real *bona fide* cost thereof. Form of the oath.

So help you GOD.

And on the goods named in any invoice so attested, the Collector or his deputy shall calculate the impost duty at their several rates as directed in this act, without making any deduction from the foot of the invoice, except for Commissions and Insurance. And when the Impost duty is ascertained, the importer or Consignee shall pay the same to the Collector or his Deputy, or deposit goods at his own cost and risk, to double the value of the impost, which goods, if the said Impost duty is not paid in ninety days, shall be sold by the Collector, or by some person he shall appoint, at public auction, and the overplus if any there be after paying the impost duty and all intervening charges, shall be refunded to said importer or consignee without delay. Collector to calculate the duty on the goods mentioned in such invoice.

Proviso, when the owner or consignee have not got the invoice.

Provided nevertheless, if it shall so happen, on the arrival of any dutied goods, that the importer or consignee have not got the invoice thereof, in such case the Collector or his Deputy, shall take the goods into his custody, and shall open and examine them in the presence of the importer or Consignee, if he chuse to attend, and if they cannot agree on the cost of the goods, they shall appoint three disinterested Merchants to determine it, who shall lodge an invoice thereof with the Collector or Deputy ; or if the importer refuses or neglects to join in such appointment, the Collector or Deputy shall make it himself. And when the cost is ascertained, the impost duty, with intervening charges, shall be paid, or the same proceeding had as before mentioned. And after the Collector has received the money, or the deposit as aforesaid, for the impost duty on goods identified by marks and numbers, as per manifest, he shall certify the same to the Naval officer, and not before.

Proviso,— when dutied goods are imported, & the owner or consignee does not appear to receive them.

Provided also, That when any dutied goods are imported, and the owner or Consignee does not appear to receive them, the Captain of the Vessel may deliver them to the Collector or his deputy, and take his receipt for the same, which shall discharge him. And the Collector shall be accountable for the freight and primage accustomed. And if the owner or consignee does not appear in sixty days, to pay the impost duty, freight and intervening charges, the Collector shall advertize the packages, with their marks and numbers, and shall appoint a time and place when so much of said Goods shall be sold, as shall be necessary to pay the same ; the time for sale to be at least thirty days after making such advertisement. And on the delivery of the said Goods, or such part thereof as shall not have been sold as aforesaid, the owner or consignee shall deliver up the bill of lading to the Collector.

A deduction of 10 per cent. allowed, when bullion or specie is imported, on prompt payment of duty.

Be it enacted, That when any Vessel shall arrive with dutied goods on board, and the owner or consignee thereof, shall declare on oath, that he has imported in the said Vessel, specie, bullion, or gold dust, equal in value to the whole amount of the impost duty on the said dutied goods, he shall on prompt payment thereof, be allowed a deduction of *ten per centum*. And in case the specie, bullion and gold dust so imported, shall not amount to the whole of the duty aforesaid, then he shall have the said *ten per centum* deducted on the amount of the duty he shall pay

in money so imported, on prompt payment as aforesaid ; any thing herein to the contrary notwithstanding.

Be it enacted, That every conductor of dutied goods brought into this State by land, shall proceed unmolested to the place where he is to deliver the said Goods, provided he shall lodge a manifest or invoice of said Goods, with a magistrate in this State, on his first entrance into it, with said goods, and make oath before said magistrate, that he will not deliver the said goods, or any part thereof, to the owner or consignee, or any other person, and that he will not sell or dispose of the same or any part thereof, until he shall have lodged an invoice in writing with the Collector or his Deputy, for the County or district where the said Goods are to be delivered, and obtained his permission for the delivery thereof ; and every Conductor of such dutied Goods producing a certificate from a Magistrate as aforesaid, and specifying the several packages, with their marks and numbers, shall pass unmolested to the place mentioned in such certificate ; and in case there shall not be a Magistrate in the first town within this Commonwealth, into which the said Conductor shall enter with the said dutied articles, he shall exhibit to the town clerk of the said Town, a manifest or invoice of such dutied Goods, and the Town Clerk shall certify on the back thereof that he has so done ; which manifest or invoice so certified, the said Conductor shall exhibit to the first Magistrate on his way next after such certificate being had as aforesaid, and proceed thereon as is herein before directed. And all dutied goods brought into this State by land without such certificate, shall be forfeited, together with the Cart, Waggon, or other carriage, and the Horses, oxen or other creatures, drawing or conveying the same ; and the Impost Duty on Goods brought in by land, shall be estimated and paid or secured, as directed for goods brought in by water.

And whereas it may so happen, that ample proof may be had of dutied goods being taken out of a vessel contrary to Law, although said goods cannot be found ; and for the punishment of such fraud,

Be it enacted, That whenever the Naval Officer or Collector of Impost, or either of their Deputies, have reason to believe, that they can prove that goods have been taken out of any particular Vessel or Float, contrary to law, and with a design to defraud the Government of the

Conductors of dutied goods by land, shall proceed unmolested, provided a manifest is lodged with a magistrate, &c.

Forfeiture, when ample proof may be had of goods being taken out of any vessel, altho' such goods cannot be found.

Revenue, they or either of them are hereby authorized and empowered to seize and secure such Vessel or Float, with all her tackle and appurtenances, for trial; and if on trial, it shall appear that goods were taken out as aforesaid, the vessel and float, with all her tackle and appurtenances, shall be adjudged forfeit.

And whereas it is the duty of every people, blessed with a fruitful Soil, and a redundancy of raw materials, to give all due encouragement to the agriculture and manufactures of their own Country:

Prohibited
articles.

Be it therefore enacted, That on and after the first day of *March* next, the following articles, not being the growth or manufacture of any of the United States of *America*, be, and they are hereby declared to be contraband, and are prohibited from being brought into this State, by land or water, on pain of forfeiture, *viz.* Loaf Sugar, Hats made of fur, hair and wool, or any or either of them; Boots and Shoes of every denomination. Coaches and all other riding Carriages, or any part thereof, and Harness of all sorts, scythes, Iron Shovels, Hoes, broad and narrow axes, Flat Irons for ironing Cloaths, Anchors, Iron and Brass Stoves, Mill saws, Saddles and Bridles, Wool Cards, Cotton Cards, ready made Millenary, articles of dress of all kinds, Plumes and artificial flowers of all kinds, white and blond Lace of all sorts, Fans charged at more than *five shillings* sterling a piece in the invoice exhibited, embroidered patterns for waistcoats or for any other parts of dress, gold and silver Lace and trimmings, women's and children's stays, leather Gloves and Mits of all sorts, Message Cards, playing Cards, Hair powder of all kinds, Pomatum, and all kinds of perfumery, Paper hangings, Children's Toys, Spelling books, and Primers, Novels, Romances and plays, Whips, Walking Canes, Horn and Tortoise Shell Combs, Porter, Beer and Ale, Butter, Cheese and Mustard, Coffin Furniture of all Kinds, Linseed Oil, Candles, Snuff, and all kinds of Manufactured Tobacco, all kinds of wearing Apparel, and wooden houshold Furniture, except the Furniture brought by Persons who shall come to reside in this Country.

Contraband
articles offered
for sale, liable
to be seized.

And be it further enacted, that if any of the articles which by this Act are declared contraband, shall be offered for sale, at any time after six months from the period when this Act shall take effect, it shall be the duty of the Naval Officer, and Collector of Impost and Excise, and

their Deputies, to seize such articles, and after trial and condemnation thereof, to make sale of the same, for the benefit of this Commonwealth, unless it shall appear on trial, that such goods were imported, previous to the first day of *March* next.

Provided also, That when any Vessel shall arrive in any Port in this State, having any of said contraband Goods on board, they shall not be forfeited, if they are reported at the Naval Office, and no part thereof taken out of the said Vessel; but if any contraband goods are taken out of any Vessel, not only those Goods so taken out, but also the Vessel and Cargo, shall be forfeited, excepting Goods *bona fide* on freight on board such Vessel, and respecting which the requisitions of this Act shall have been complied with. Proviso.

Be it enacted, that Molasses, Cocoa, Sheeps Wool, Dying Wood, and other dye Stuffs, Sewing Silk, Brass, Lead in the Pig, bar or roll, tinn in the block, pig or roll, Cotton Wool, Salt, imported in Vessels wholly and *bona fide* owned by any Citizen or Citizens of the United States, shall be free of duty. Articles free of duty.

Be it enacted, that whenever the Collector of Impost or his Deputy, shall have just reason to suspect, that more goods, or other goods than those mentioned in the invoice, are contained in any particular package, they, or either of them, are hereby empowered and directed to take such package into custody, and to open and examine it, notifying the owner or claimer to be present if he please, and if on such examination, more goods, or other goods than those mentioned in the invoice are found, to seize and secure the whole of the goods contained in the said package, and the same shall be forfeited. When more or other goods are found in any package, than those mentioned in the invoice, the whole shall be forfeited.

Be it enacted that on the trial of any seizure, the Court shall admit of the Naval Officer or Collector of Impost, or either of their Deputies, as a legal Witness in the case. On trial of any seizures, court to admit of naval officers or collectors, as legal witnesses.

Be it enacted that the Master of any Vessel or Float (employed in catching Fish or carrying Wood and Lumber coast ways) having dutied Goods on board, shall, on his arrival in port, manifest them at the Naval Office, any usage, custom or yearly pass, to the contrary notwithstanding, on pain of forfeiting such Vessel or Float, and the sum of *fifty pounds* lawful money. And all dutied goods that shall be brought into this State on board of any Vessel or Float, from any of the United States of *America*, Masters of fishing-vessels, &c. having dutied goods on board, shall on their arrival, manifest them at the naval-office.

or that shall be conveyed from any one port or place in this State to another, and shall not be mentioned in the clearance or cocket from a proper Officer in the State, port or place from whence they came, shall be forfeited.

Naval officers & collectors, directed to see that this act is carried into execution.

Be it enacted, That the Naval Officers and Collectors of Impost and their Deputies, within their respective Counties or Districts, be and they are hereby authorized and directed, to see that this Act is carried into effectual execution, and they or either of them, are hereby empowered to prosecute to final Judgment and execution for all fines and forfeitures incurred for a breach of this Act, and to seize and secure for trial all property whatever, and wherever the same shall be found, that is in this Act declared to be forfeit; and on the recovery of such fines, and the condemnation of such property, two thirds of the net proceeds thereof shall be for the use of the Government, and the other third to the use of the Officer or Officers recovering the same.

Fines and forfeitures, how applied.

Naval-officers or collectors duty, when any individual shall give information of any goods being smuggled, &c.

Be it enacted, that when any individual of this Commonwealth shall give information under oath to any Naval Officer or Collector, or either of their Deputies, that he has cause to suspect that contraband or dutied goods have been smuggled, and are concealed in any particular place (naming it) the Officer receiving the information as aforesaid, is hereby required and commanded to make search (in the manner prescribed by law) for said goods; and if any such are found, to seize and secure the same for trial; provided the said Informer gives bond with sufficient sureties to the owner or claimer of such Goods, that he will respond all damages that shall accrue in consequence of such seizure in case the Goods are not adjudged forfeit. And whenever information shall be given as aforesaid, if the Naval Officer or Collector, shall judge that there is good cause to suspect that contraband or dutied goods have been smuggled and concealed, agreeably to such information, it shall be the duty of such Naval Officer or Collector to make search for said goods as aforesaid, and if found, to secure the same for trial as above directed, although no bond should have been given as herein before provided; and in case said goods are adjudged forfeit, the said Informer shall receive one third of the net proceeds thereof, and the remainder shall be for the use of Government.

Informer shall receive one third of the net proceeds.

Be it enacted that if any person or persons shall obstruct

or abuse any of the aforesaid Officers in the execution of their duty, every person thus offending, for every such offence, shall forfeit and pay a sum not exceeding *one hundred pounds*, nor less than *ten pounds*, according to the nature and aggravation of the offence; to be recovered by the Officer so abused or obstructed, and to his use, by action of debt, in any Court proper to try the same.

Forfeiture for obstructing or abusing any officer, in the execution of his duty.

Be it enacted that whenever any dutied goods shall be seized, because the Impost duty had not been paid thereon agreeably to Law; or because they have been landed or brought into this State contrary to Law, and the claimer or claimers shall not make it appear on trial, that the duty was paid on the said goods before such seizure was made, or that they were not landed or brought into this State contrary to Law, as the case may be, they shall be adjudged forfeit.

When dutied goods are seized, they shall be adjudged forfeit, if the claimer shall not make it appear, on trial, that the duty was paid.

Be it enacted that one Collector of impost for each County or District within this Commonwealth, shall be appointed by both Houses in their present session, the choice to originate in either House, and sent to the other House for Concurrence; and afterwards the Collectors shall be annually appointed in like manner; And the said Collectors shall begin to exercise the Duties of their Office on the first day of *January* next; and they are hereby authorized to appoint their own Deputies, to do the business herein assigned them, or any part of it, and they shall be accountable for the conduct of their Deputies, and shall pay them out of their own Commissions; And said Collectors are hereby empowered to receive and collect all the duties mentioned in this Act, and shall once in three months pay to the Treasurer of the Commonwealth all the monies which they shall collect or receive in consequence of this Act, except such part thereof, as is otherwise expressly appropriated, and they shall take duplicate receipts for the monies paid, one of which they shall lodge with the Comptroller-General; and they shall on the last day of *May* annually settle and balance their accounts, under oath, with the Comptroller General; and the Collectors of Impost and the Naval Officers, shall keep such books of entry and clearance, such accounts, vouchers and official papers, respectively, as the Comptroller General shall direct, in addition to those already established by Law.

Collectors of impost to be annually appointed.

Collectors to appoint their own deputies, &c.

Once in three months to pay to the treasurer the monies they shall receive.

To settle their accounts annually, with the Comptroller-General.

Be it enacted that the Collectors of Impost be, and they

Collectors directed to appoint a deputy in every port where there is a naval-office.

In case of vacancies, naval-officers shall do the duty of collectors.

Collectors to do the duty of naval-officers, in like cases.

Collectors to be sworn, and to give bond to the Compt. Gen.

Commission.

Compt. General authorized to fill up vacancies in the recess of the Gen. Court.

are hereby directed, to appoint a Deputy in every port where there is a Naval Officer, except he resides there himself; and in every such Port the Collector or his Deputy shall keep a public Office open from nine in the morning to one, and from three in the afternoon to sun set, Lord's days, and days of public Fast's and Thanksgivings, excepted. And in case a vacancy shall happen, by death or otherways, of any Collector of Impost, the Naval Officer or Officers, within such County or District, are hereby authorized to do the duty of such Collector, until another shall be appointed; and when one shall be appointed and qualified, the Naval Officer or Officers shall render an account to him, of their doings, and pay him the monies they shall have received, who shall make them a reasonable allowance for their services. And in case a vacancy shall happen in like manner in the Naval Office, the Collector in such port, or his Deputy, shall do the Duties of the Naval Officer, until another shall be appointed, and when appointed, shall render to him an account of his doings, and shall receive from him a reasonable reward for his services.

Be it enacted, That each Collector of Impost, before he enters on the duties of his Office, shall be sworn to the faithful discharge thereof before some Justice of the Peace, who is directed to return a certificate thereof immediately to the Comptroller General; and every Collector shall give bond with surety to the Comptroller General, in a sum not exceeding *twenty thousand pounds*, nor less than *five thousand pounds*, for the faithful discharge of the duties required of him by Law. And the Collectors shall receive such commission, in full for their services and expences, as shall be determined on at their several appointments.

Be it enacted, That in case a vacancy shall happen by the death or otherways of any Naval Officer or Collector of Impost, in the recess of the General Court, or at so late a period in any session thereof as that the vacancy shall not be supplied by the Court, the Comptroller General is hereby authorized immediately to fill up such Vacancy. And the Naval Officer and Collector of Impost, by him appointed, after being qualified as required by Law, shall be vested with all the powers and privileges of their Offices respectively, until they shall be confirmed in Office by the General Court, or others appointed in their stead.

Be it enacted, That when any Collector of Impost shall be appointed to succeed any other Collector, he is hereby authorized to demand and receive of his Predecessor, if living, or if dead, of his Executors, Administrators and Deputies, all official bonds, books, papers, and property whatever, and to give proper receipts for the same, and to do and perform all matters and things with the same, which his predecessor could have done had he continued in Office, and for all liquidated obligations which shall be so delivered, the Collector receiving the same shall be accountable, as he receives the money, to his predecessor, or his legal Representative, for one half the Commission thereon.

When any collector is appointed to succeed another, — he may demand official papers, &c.

Be it enacted, that when any Naval Officer or Collector of impost, or either of their deputies, shall have cause to suspect that contraband goods, or dutied goods, on which the impost is not paid, are concealed in any particular dwelling House or store, or other building or place, they or either of them, are hereby directed to make representation thereof under oath, to a Justice of the peace, for a Warrant to enter such house or store and to search for the said contraband or dutied goods, and on such application the Justice is empowered to issue his Warrant, directed to the officer applying for the same, commanding him to take the Sheriff of the County, or either of his Deputies, or any Constable of the town, where such dwelling house or store is, and in the day time only, to enter such house or store, and there to search for said goods, and if he shall find any such Goods, to seize and secure the same for trial. And whenever any Naval Officer or Collector of Impost, or either of their Deputies, shall have cause to suspect that such Goods as aforesaid, are concealed in any other building or place whatever, they or either of them, are hereby authorized to take with them the Sheriff, his Deputy, or any Constable as aforesaid, and to enter such building or place, and there to search for said Goods, and if any such Goods shall be found, to seize and secure them for trial. And the said Sheriff and his Deputies, and all Constables, are hereby authorized and required to aid and assist any such Naval or Impost Officer, or either of their Deputies, and to take with them proper assistance. *Provided nevertheless* that no civil process shall be made within such dwelling house, other building or place whatever, during the said search, other than executing the

When goods are suspected to be concealed in any dwelling house, &c. Justices of the Peace are empowered to issue warrants to enter the same.

Proviso.

warrant aforesaid. And if any officer whatever (whether called to assist the naval officer, collector, or either of their deputies, or not) shall presume to serve or execute any civil process during such search, other than the warrant aforesaid, it shall be, and is hereby declared to be null and void, and the officer serving or executing the same, shall be subject to the same pains and penalties, as tho' he had violently broke into the said dwelling house, other building or place, without any authority for so doing.

Clause respecting vessels that may arrive in distress.

Be it enacted, That when any Vessel not designed for any port in this State, shall arrive in any port within this Commonwealth, in distress, and have occasion to unlade her cargo, or any part thereof, in order to repair said Vessel, in such case no Impost shall be demanded; Provided the goods are taken out and reshipped under the care and direction of the Naval Officer, who is hereby required to take charge thereof. And if the commanding Officer or owner of said Vessel shall have occasion to sell any part of said Goods to discharge the expence of repairs, to purchase provision, &c. the Collector of Impost shall give leave for the sale thereof (contraband Goods excepted) having first ascertained and received the proper Impost Duty on the Goods to be sold. And he shall certify the same to the Naval Officer, Identifying the packages to be sold.

Goods imported into this State, belonging to citizens of any other State, shall be free of duty, — provided, &c.

Be it enacted, that if any Goods shall be imported into this State on or after the first day of *January* next, belonging to a Citizen of any other State in the Union, and shall be transported whole and entire to such State, the Collector shall demand no Impost duty, provided such Citizen or his Agent shall give bond with surety, to the Collector, in a Sum to double the amount of the Impost duty on said Goods, conditioned to produce in a given time, a Certificate under the Hand and Seal of the Collector or other Officer of the Customs in such State, that the Goods so bonded (naming the different packages, with their marks and numbers, and the cost thereof) are *bona fide* brought into such State, and that the owner thereof is a citizen of said State; and if such Certificate is produced within the time limited in the Bond, it shall cancel it, otherwise the bond shall be put in suit.

Naval-officers & collectors, authorized to go on board any vessel, &c.

Be it enacted, that the Naval Officers and Collectors of Impost, or either of them be, and they are hereby authorized, to go on board of any Vessel to examine her, and to

see to the discharge of her contents, or to depute any other person or persons to do the same.

Be it enacted, That no Impost duty levied by this Act, shall be remitted on Goods taken out of the Vessel, that brought them into this State, except as is herein otherwise expressly provided. But on Goods which shall not be taken out of such Vessel, no Impost Duty shall be demanded.

No impost shall be remitted,—except.

Be it enacted, that the Collectors of Impost and their Deputies, be, and they are hereby empowered to administer the Oaths required to be taken in their Offices.

Collectors to administer oaths.

Be it enacted, that it shall be the duty of each and every Collector of Impost, and he is hereby directed to give information to the Attorney General, of any person or persons, that shall be suspected of taking a false Oath, where an Oath is required by this Act; and the Attorney General is directed to prosecute all persons so suspected of perjury.

To give information of false oaths, to the Attorney-General.

Be it enacted, that in all cases, where any action or actions shall be brought against any Naval Officer or Collector of Impost or Collector of Excise, or either of their Deputies, upon any matter, touching the prosecution of the duty or Business assigned to them by any of the Laws of this Commonwealth, in all such cases they shall be allowed to plead the general issue, and to give this Act, and any other Act, touching their duty as aforesaid, in Evidence.

When actions are bro't against any naval officer or collector, they may plead the general issue.

Be it enacted, That all Acts now in force laying Duties of Impost, shall from and after the last day of *December* next, be repealed, and at that time become null and void.

Former acts repealed.

Provided nevertheless,

And be it enacted that the above said Acts shall continue and be in force so far as to empower the Collectors to prosecute all past breaches of said Acts, and to settle the accounts and obligations, and to receive the dues from all delinquents, up to the said last day of *December* next, inclusively, agreeably to said Acts, any thing herein to the contrary notwithstanding.

Collectors empowered to prosecute all past breaches.

Be it enacted, That an Act passed in *November*, one thousand seven hundred and eighty-five, entitled “An Act for encouraging the manufacture of loaf sugar within this Commonwealth,” shall from and after the first day of *March* next, be repealed, and at that time shall be null and void.

Loaf-sugar act repealed.

When property shall be seized, it may be delivered to the claimer, upon his giving bond, &c.

Be it enacted, that when any property shall be seized, it shall be delivered to the owner or claimer, upon his giving Bond, with sufficient sureties, inhabitants of this State, to pay the full value of such property (as the same shall be then appraised by three persons, under oath, mutually chosen for the purpose) if it shall be adjudged forfeit, within thirty days after such Judgment is had; and if the money is not paid agreeably to the condition of said bond, the Court who passed the judgment aforesaid, shall issue execution against the obligors, for the sum due on said bond, with cost, and the execution to be returned in twenty days.

Clause respecting perishable property, when seized.

Be it enacted, that when it shall be made to appear to the Court before whom the libel is filed, (whether in term time or not) that the property seized is of a perishable nature, and that the same will be injured by the delay necessary to the trial, the Court shall make out a precept to the seizing Officer for the sale of such perishable property, at public auction, for the benefit of the party to whom the same shall be finally decreed; and no appeal shall be allowed from any order or decree for such sale.

When the Continental impost shall take place, collector to make a deduction.

Be it enacted that this Act shall take place and operate in its full force on and after the first day of *January* next. And whenever the Continental Impost shall take place in this State, the Collector of Impost shall, on estimating the Impost duty, make a deduction in favor of the Importer or Consignee, to the amount of the Duty laid by Congress on all articles respectively. *Provided*, such importer or consignee produce a certificate, that he or they have paid to the Continental Officer such duty, any thing in this Act to the contrary notwithstanding. *November 17, 1786.*

Proviso.

1786. — Chapter 49.

[September session, ch. 20.]

Chap. 49

AN ACT TO RAISE A PUBLIC REVENUE BY EXCISES.

Preamble.

Whereas every well wisher to the peace and happiness of this Commonwealth, will most cheerfully acquiesce in all those measures adopted by Government, which tend to establish their public faith and honor; to ease the people as much as possible of direct taxation, and to encourage the agriculture, Manufactures and population of the Country, the great sources of national wealth and happiness: and

as the General Court, after the most mature deliberation, are clearly of opinion, that *Excises*, on such articles of foreign luxury, as can be easily collected, and on such domestic articles, as are not the necessities of life, will, in addition to the impost duty, have a happy tendency to accomplish these salutary purposes:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That on and after the first day of January next, there shall be paid on the following Articles, the Excise duty to them respectively herein affixed, viz.

Every Gallon of *Madeira Wine*, one shilling and four Excised articles.
pence.

Every Gallon of other Wine, *nine pence.*

Every Gallon of foreign Rum, *nine pence.*

Every Gallon of other foreign distilled spirits, *nine pence.*

Every Gallon of New England Rum, and distilled spirits, *four pence.*

Every pound of Bohea Tea, *six pence.*

Every pound of other India Tea, *one shilling.*

Every pound of Coffee, *one penny.*

Every pound of Cocoa, *one penny.*

Every pound of imported Chocolate, *six pence.*

Every pound of Loaf Sugar, *one penny half penny.*

Every pound of other Sugar, *half a penny.*

Every hundred of Lemmons, *one shilling.*

Every hundred weight of Raisins, *three shillings.*

Every pound of Snuff, *four pence.*

Every pound of Tobacco imported in the leaf, *one penny.*

Every pound of manufactured Tobacco imported, *two pence.*

Every imported Clock, *twenty-four shillings.*

Every imported Watch, *twelve shillings each.*

Every Coach and Chariot, *eight pounds each, yearly.*

Every Phaeton and four wheel Chaise, *four pounds each, yearly.*

Every fallback Chaise, *fifteen shillings yearly.*

Every other Chaise, *ten shillings, yearly.*

Every Sulkey and riding Chair, *nine shillings each, yearly.*

Be it enacted, that on and after the first day of January next, every person that shall import any of said excised

articles, or to whom any of them shall be consigned, and every person distilling or manufacturing any of them ; and every person owning or possessing any of them shall be, and hereby is prohibited from selling or bartering the same, or any part of said excised articles, Carriages excepted, without a permit so to do, in writing, from the Collector of Excise in the County or District, or his Deputy, on forfeiture of *two hundred pounds*, and the value of the articles so sold or bartered, saving that such persons as are licenced by a Court of General Sessions of the Peace, may sell spirituous liquors only.

Forfeiture for selling excised articles, without a permit.

Collectors empowered to grant permits.

Be it enacted that every person having excised articles to sell or dispose of, shall on the said first day of *January* next, take an accurate account thereof in writing, and exhibit the same, under oath, to the Collector or his Deputy, when he shall apply for a permit to sell or dispose of said excised articles, or any of them, and shall be accountable to the Collector for the excise thereon, agreeably to Law ; and the Collector or his Deputy, is hereby empowered and required to grant to every person, applying for the same, and giving such security, as is herein-after prescribed, a permit in writing, to sell all, or any of said excised articles, (except spirituous liquors by retail) for the term of twelve months ; and every person applying for such permit, shall give bond to the Collector, with sufficient sureties, living within this Government, in a sum not exceeding *one thousand pounds*, nor less than *One hundred pounds*, that he will render to the Collector or his Deputy, such an excise account, and pay him such excise duties, as is and shall be required by Law, during the continuance of his permit : and every person, who shall be licenced, or permitted to sell excise articles, after the said first day of *January* next, shall exhibit to the Collector, or his Deputy, an accurate account on oath, of all excised articles in his possession at the time of such licence or permit being granted, and shall also exhibit at the time of payment, an accurate account of all excised articles, which he shall have distilled, manufactured, taken in or received, after such first account, except such as he shall purchase by retail agreeably to this Act, and shall, at the times hereafter provided, pay the excise duty, to the Collector of the County or District, or his Deputy, on all the excised articles aforesaid, excepting such as shall have been sold to persons duly licenced, or permitted, and for which proper Certificates

Permitted persons to give bond &c.

are returned, and such as shall actually remain on hand, to be shown to the Collector or Deputy if required, and such as shall have been exported, in conformity to Law : and all excise accounts shall mention the name of the person of whom the article was bought or received, the quantity of each article, and the Town and County in which he lives ; and if any of said excised articles shall have been sold to persons licenced or permitted, the said account shall mention the name, the Town and County to which he belongs, the quantity sold, and the time when ; and the person so accounting, shall exhibit a certificate thereof, to the Collector or Deputy, under the hand of the said licenced or permitted person ; and for the articles named in such Certificate, the Collector or his Deputy, shall not demand any excise, but shall transmit the Certificate to the Collector of the County or District where such licenced or permitted person lives, who shall demand and receive the excise due thereon, agreeably to Law.

Excise accounts,
how expressed.

Be it enacted, that no Naval Officer or Deputy, shall give a permit for unlading any excised articles, without first having received a Certificate from the Collector, that the excise duty is secured.

Permits for unlading shall not be given, till the duty is secured.

And whereas it is indispensibly necessary, in order to prevent imposition and fraud, that the Collectors of Excise and their Deputies, should know the exact quantity of excised articles :

Be it therefore enacted, that every Collector of Excise be, and he is hereby authorised and directed, forthwith to appoint in each Port where there is a Naval Officer, a sufficient number of suitable persons to be gaugers and weighers of those excised articles brought into such Port which pay an excise on the pound or gallon ; and the master or owner of the vessel or float, having excised articles on board thereof, shall previous to unlading the same, or any part thereof, apply to some one or more of said gaugers and weighers, who shall attend to the unlading thereof, and shall weigh immediately on being landed or stored, those articles which pay an excise on the pound, and gauge those which pay an excise on the gallon, and shall make return thereof in writing, to the Collector of Excise or his Deputy, of the exact quantity contained in each package ; and shall mark and number the same as the Collector shall direct ; and before the gaugers and weighers enter on the duties of their Office, they shall be sworn by

Collectors to appoint gaugers & weighers.

Their duty.

Names to be re-
turned to the
Compt. General.

the Collector to the faithful and impartial discharge thereof, agreeably to Law: And the Collectors shall immediately return the names of the gaugers and weighers, by them appointed, to the Comptroller General; and if the Comptroller General has reason to believe, that any person so appointed, is not suitable for the business, he shall signify the same to the Collector in writing, and the Collector shall make null and void the appointment aforesaid, and appoint another person in his stead.

Their fees.

Be it enacted, That the gauger and weigher, shall receive, in full for his services, *one penny* for each gross hundred he shall weigh, and *four pence* for each hundred gallons he shall gauge, and in the same proportion for a larger or smaller quantity, to be paid by the Collector of Excise, who shall take a receipt of the gauger and weigher for the money paid, and the same shall be allowed him by the Comptroller General on settlement of accounts.

When any vessel
shall arrive, with
excised articles,
the owner or
consignee shall
give bond to the
collector.

Be it enacted that when any vessel shall arrive, having excised articles on board, the owner or consignee thereof, shall, previous to unlading the same, give bond to the Collector or his Deputy, that he will comply with the Law, relative to the gauging and weighing, that he will within fifteen days, render to the Collector or his Deputy an exact account of the quantity of each and every excised article, that has come to his care, on board of said vessel, and that he will then give an excise bond, with surety, to be accountable for the excise as the Law directs. And when the Collector of Excise or his Deputy, shall receive such bond, he shall certify the same to the Naval Officer, who shall give a permit to unlade the excised articles expressed in such certificate. And the excise bond, shall be in form following, viz.

Form of the
bond.

KNOW ALL MEN by these presents, that WE
of in the county (or District) of
Merchants, are jointly and severally held and firmly
bound unto Collector of Excise in the ,
in the sum of pounds, lawful money, to be
paid to the said or his successor in Office,
to which payment well and truly to be made, we bind
ourselves, our heirs, executors and administrators,
firmly by these presents; sealed with our seals.
Dated this day of in the Year of Our
LORD, One thousand seven hundred and eighty
The CONDITION of this obligation is such, that

WHEREAS the above-bounden has im-
ported on board of the following excised
articles, viz (*here name the quantity of each article.*)
NOW if the above-bounden shall pay, or
cause to be paid to the said or his successor
in Office, the excise duty, as required by Law, on
the above enumerated articles, amounting to the sum
of or produce certificates for the discharge
thereof, as the Law directs, then this obligation shall
be void, otherwise of full force and virtue.

Signed, Sealed and delivered, }
in presence of }

Be it enacted that for the adventures which may be brought in such vessel or float, belonging to the Master, Mate or other mariner, a separate bond in the form aforesaid, *mutatis mutandis*, shall be given to the Collector of Impost and Excise, for the amount of the excise duties thereof, either by the Master for himself, and in their behalf, or by each of them severally, to whom the property may appertain; and if the adventures aforesaid, or any part thereof, shall be taken out of the said vessel or float, previous to bonds being given as aforesaid, the owner of such goods shall forfeit and pay for such offence double the value of the goods so taken out, contrary to this Act.

Separate bond shall be given for adventures, in the same form.

Seperate bond shall be given for adventures, in the same form.

And be it enacted that each person giving an excise bond as aforesaid, shall at the expiration of every three months from the date of it, render an account to the Collector or his Deputy, and pay him the excise, or return such certificates as the Law directs, for all the excised articles named in his bond, which have been sold or any way disposed of; And shall continue so to do at the end of every three months till the whole are disposed of, And when he returns certificates, to be endorsed on his excise bond, he shall make oath that the articles contained therein, are the identical ones mentioned in his bond; And he shall at each settlement, on demand by the Collector or his Deputy, shew to him those identical goods named in the bond, which he says are on hand; and if he refuses or neglects to do it on demand as aforesaid, or if he refuses or neglects to account as aforesaid, the Collector shall put the excise bond in suit, and shall recover judgment for a sum equal to the Excise due on the articles mentioned in the bond, with costs, excepting what has been previously endorsed. And the Collectors and their Deputies shall keep these bonds

Persons giving bond, shall render an account to the collector, every 3 months.

Penalty for refusing.

Persons giving bond, shall render an account to the collector, every 3 months.

Penalty for re-
fusing.

Bonds, how
cancelled.

bound in a book, and shall cancel them by taking off the name and seal only; and should the certificates on the final settlement of the Excise bond, fall short of the original weight and gauge, on account of leakage, the Collector shall allow a deduction not exceeding *five per centum*, on liquors and brown sugar.

And Whereas it is apprehended, that many frauds will be committed, by allowing persons to sell excised articles free of Excise, under a pretence of paying it themselves:

Persons prohibited from
selling excised
articles free of
excise, except
by retail.

Be it therefore enacted, That on and after the said first day of *January* next, every person be, and he is hereby prohibited from selling any excised articles free of the excise, or any part of it to licenced or permitted persons, so as to excuse such licenced or permitted persons from paying such excise, except by retail only; And at Public Auction, no sale whatever shall be considered as retail; and no other sale shall be considered as retail where the quantity exceeds one quarter of an hundred in weight, or ten gallons in measure, except in the article of brown sugar, the sale of one hundred weight may be considered as retail. And every person selling, or any way disposing of excised articles to licenced or permitted persons, except as aforesaid, shall take certificates for the payment of the Excise on the full quantity so sold or disposed of, and shall return them to the Collector, at the Periods required in this Act. — And whoever shall sell or any way dispose of excised articles, contrary to the true intent and meaning of this enacting clause, shall forfeit and pay a fine of *ten pounds*, and the value of the articles so sold or disposed of. — And no Collector or Deputy, in settling an excise account with any licenced or permitted person, shall allow him the excise, or any part of it, on any article whatever, on account of his having paid it to the person of whom he purchased, except as aforesaid; and the Collectors shall allow a deduction of *ten per centum*, on all monies received for excise on liquors and brown sugars.

A deduction of
10 per cent. on
liquors & brown
sugars.

And in order that Government may at any time know the quantity of excised articles, imported and exported, and the quantity consumed in each individual County:

Collectors to
keep such books
as the Comptroller
General
shall direct.

Be it enacted that the Collectors of Excise, and their Deputies, shall keep such books, in order to ascertain the same, as the Comptroller General shall direct; and they shall make such returns, copies and abstracts, as he shall from time to time require.

Be it enacted, that the first day of *May*, and the first day of *November*, annually, shall be the times all licenced and permitted persons shall render their accounts, exhibit their certificates, and pay their excise, unto the Collectors, agreeably to this Act; and the said Collectors shall begin their circuits on the first of said months, and shall attend at some convenient place in each Town in their respective Counties, in order to receive and settle all accounts relating to the said excise, first giving seasonable and public notice of the time and place where the said business is to be transacted. And the Collectors shall immediately pay the monies they shall so receive for excise, and for all fines and forfeitures incurred for a breach of this Act, to the Treasurer of the Commonwealth, and take duplicate receipts therefor, one of which they shall lodge with the Comptroller General; and they shall, on the last day of *May* annually, settle and balance their accounts, under oath, with the Comptroller General.

Times fixed for licenced persons to render their accounts, &c.

Collectors to pay the monies into the treasury.

To balance their accounts annually with the Compt. General.

And Whereas the requirement of an Excise duty on articles exported, will operate to the injury of trade and Commerce:

Be it therefore enacted that all excised articles exported out of this State, shall be free of excise; Provided the exporter shall give bond to the Collector or his Deputy, with sufficient surety, living within the State, that he will produce and deliver to the Collector or his Deputy, at the time limited in the bond, a certificate from under the hand of the Naval Officer, Collector or other Officer of the Customs, in the State to which the goods are exported, purporting that he has appeared before him, and made oath that the goods so bonded for exportation (naming them) have been *bona fide* brought into that State: And if such certificate is produced within the time limited, it shall cancel the bond, and not otherwise.

Articles exported, shall be free of excise, provided the exporter give bond, &c.

Provided nevertheless, that when any excised articles shall be exported to a State where there are no such Officers, then such certificate from under the hand and seal of a Justice of the Peace, in such State, shall cancel the bond; And When the Collector shall receive such bond, he shall give a certificate discharging the persons of whom the articles so bonded were purchased, from the excise thereon.

Proviso.

And whereas the trade of some persons, citizens of this Commonwealth, leads them to frequent exportations of arti-

cles on which an excise is laid, and the giving of bonds for each article so exported, as required in the foregoing clause, would be both inconvenient and expensive:

General exportation bond may be taken.

Be it enacted, that when any such Citizen shall apply to a Collector of Excise or his Deputy, living in the same District, for permission to export out of this Commonwealth, excised articles, it shall and may be lawful for the Collector or his Deputy, as aforesaid, to take a bond of the said Citizen, with sufficient sureties, inhabitants of this Commonwealth, in a sum not less than *two hundred pounds*, or more than *one thousand pounds*, as in the opinion of the officer will be necessary to secure the revenue from danger of fraud; conditioned, that once in three months (to which time his bond shall extend) he the said Citizen will produce and render a true and just account of all and every excised article (naming them) which he has exported, or sold for exportation out of this Commonwealth, and that he will produce certificates of their having been so exported, agreeably to the requisition of the foregoing clause; and upon his producing such certificates, his said bond shall be cancelled as aforesaid, and no other bond shall be required of him by virtue of the aforesaid clause, during the time to which his general bond, given as is herein required, shall extend: and the Collector who shall take such a general bond, shall transmit a certificate thereof to each Deputy within his District; or if taken by a Deputy, a certificate shall be by him forwarded to the Collector, who shall certify the same to the other Deputies in his district, to the intent that no bond shall be required of the said Citizen, for any particular article to be exported during the time the said general bond is extended to.

Collector to transmit a certificate of such general bond to each deputy.

Persons licenced to be taverners or retailers, shall become bound, &c.

Be it enacted that every person hereafter licenced to be a taverner, innholder, or retailer of any spirituous liquor, shall, on such licence being granted, become bound by way of recognizance, in a sufficient sum, to be ordered by the Court that grants the licence, that they shall keep and render such accounts, and pay such duties as are and shall be required by Law during their licence; and no Taverner, innholder or retailer, shall hereafter be licenced by any Court, unless he produces in Court, a Certificate or receipt from the Collector of the County, or his Deputy, that he has accounted and paid his Excise at the several periods herein assigned, or within thirty days thereof: And if any Taverner, Innholder or retailer, shall not obtain licence

at the next usual time of granting licence in his County, and shall neglect to render his account and pay his Excise, as the Law directs, he shall forfeit and pay a fine, not less than *fifty pounds*, nor more than *two hundred pounds*, and costs of prosecution, to be sued for and recovered by the Collector, in any Court proper to try the same, to be for the use of the Commonwealth.

Be it enacted that every person taking out licence as an Innholder, shall pay *twenty four shillings*; and every person taking out licence as a retailer of spirituous liquors, shall pay *twelve shillings*, and the Clerk of the Court shall demand and receive the same, and shall pay it to the Collector of the County, who shall pay said Clerk *one per cent.* out of his commission: and the said Clerk shall give to the Collector a list of the names of all the innholders, and of all the retailers that are so licenced.

Sum paid for such licence.

Be it enacted that every owner or possessor of any of the carriages before enumerated, shall pay to the Collector in *May*, yearly, the duty affixed to them respectively in this Act.

Duty on carriages, shall be paid annually.

Be it enacted that the Assessors in the several Towns and Plantations in this State, be, and they are hereby required and directed to return in writing under oath, to the Collector of excise in their County some time in the month of *April* yearly, a list of all the dutied Carriages within their respective Towns and Plantations, with the names of the owners or possessors of the same: and if the Assessors of any Town or Plantation aforesaid shall neglect the due performance of their duty as required of them in this Act, they shall forfeit a sum not less than *twenty pounds*, nor more than *three hundred pounds*, for the use of this Commonwealth, to be recovered by action or complaint of the Collector, in any Court proper to try the same.

Assessors to return a list of dutied carriages to the collectors.

Forfeiture for neglect.

Be it enacted, that if the duty on Carriages, after due notice given thereof in the public Prints, is not paid within thirty days after it has become due, the Collector shall make out an exact list of the delinquent persons names, and the sums due from each of them, with *ten per cent.* added thereto, and shall deliver it, together with a Warrant of Distress, to some Constable in the Town where such delinquent persons dwell; and the said Constable shall proceed in the same manner, as is by Law prescribed, in case of non-payment of taxes; and the said Constable

If the duty on carriages is not paid after due notice, a warrant of distress shall be made.

shall pay the monies mentioned in said list, to the Collector, except the *ten per cent.* and if he neglects to return the Warrant, and to pay the money collected, for the space of twenty days after the time mentioned in the Warrant, for the return thereof, he shall forfeit and pay double the sum committed to him to collect, to be sued for and recovered by the Collector, in any Court proper to try the same, to be for the use of the Commonwealth.

Duty shall not be demanded of stated ministers, &c.

Provided nevertheless, That no duty shall be demanded from the stated ministers of the Gospel, the President, Professors, or Tutors of Harvard College, or Grammar School Masters, for any Chaises or riding Chairs, nor shall any duty on any Carriage aforesaid, be demanded from any person, who shall make the same for sale only, any thing herein to the contrary notwithstanding.

Collectors of impost, declared to be collectors of excise.

Be it enacted that those Collectors of Impost, who shall be appointed in each and every County in this Commonwealth, be, and they are hereby declared to be Collectors of Excise in their several Counties or Districts, agreeably to this Act; and the oath they shall take, and the bond they shall give to the Comptroller General, shall obligate them to do the duties required by Law, of a Collector of impost, and of a Collector of Excise; and the same commission shall be allowed on the Excise duty which shall be collected, as shall be determined to be allowed on the impost, previously to the appointment of the Collectors of impost.

Duty on bonds, permits, &c.

Be it enacted that the Collector of Excise shall receive for a bond and permit to sell excised articles, *one shilling*, for a bond and Certificate *nine pence*, and for a bond only, *eight pence*.

Fines and forfeitures, how recovered.

Be it enacted that all fines, penalties and forfeitures, incurred by a breach of this Act, shall be recovered by the Collector for the use of this Commonwealth, by action, bill, plaint, or information, in any Court proper to try the same.

Former excise acts repealed.

Be it enacted that all Acts heretofore made laying duties of Excise, shall from and after the last day of *December* next, become null and void.

Proviso.

Provided nevertheless that the said Acts, laying duties of Excise, shall continue and be in force, so far as to empower the Collectors to prosecute all past breaches of said Acts, to settle the Excise accounts of all persons, up to the said last day of *December* next inclusively, to receive

the Excises due, and also to receive the duty on Carriages, and to take such process for the recovery of all duties, as tho' the said Acts had not been repealed. *Provided also,* Further proviso. that an Act, intituled “An Act for repealing a Law of this Commonwealth, intituled “An Act imposing duties on licenced Vellum, Parchment and paper, and for imposing other duties on certain papers, Commissions, Instruments and processes,” and another Act in addition thereto, shall remain in full force and virtue.

Be it enacted, that when any Seizures are made by any Naval Officer, Collector of Impost or of Excise, or either of their Deputies, if it shall so happen, that any Witnesses in the case, are bound to sea, or out of the County where the seizure is made, before the sitting of the Court, who are to try the cause, in every such case the Deposition of any witness in writing, taken before any two Justices of the peace, *quorum unus*, and sealed up and delivered into Court (the adverse party if known, and living within thirty miles of the place of caption, being notified thereof) shall be as sufficient evidence in law, as though such Witness had been present in Court, at the time of trial, and had given his Deposition *viva voce*; and when any person shall be summoned to give evidence before two Justices of the peace, in manner aforesaid, and shall neglect or refuse to appear, the said Justices are hereby empowered and directed, to commit such person so refusing, to the common Goal of the County, there to remain, till the sitting of the Court, before whom such seizure is to be tried, or until such person shall give his deposition before such Justices as aforesaid. Clause respecting witnesses, when seizures are made.

Be it enacted, that the excise of *half a penny* on brown Sugars, shall be remitted to all Sugar boilers, or refiners of Sugar, upon such brown Sugars as shall be by them refined and manufactured into loaf sugar, within this State, and the Sugar refiners shall make oath to the quantity of brown Sugars so manufactured and refined by them, when they settle their excise accounts, with the Collector of Excise. Excise on brown sugars, remitted to sugar-boilers.

And be it enacted, that this Act shall take place and operate, on and after the first day of *January* next.

November 17, 1786.

* AN ADDRESS FROM THE GENERAL COURT TO THE
PEOPLE OF THE COMMONWEALTH OF MASSACHUSETTS.

At a period, when grievances are complained of, in divers Counties of the State; when the symptoms of discontent are manifest & alarming, and individuals resort to arms, to support their disaffection, & oppose the Courts of Justice; it becomes the duty of the Legislature, to investigate, and, as far as may be, to remove the grounds of complaint; to undeceive those, who are misguided by false representation; and if lenient means are ineffectual, to vindicate by vigorous & decisive measures, the honor of Government, and provide for the security of the state.

The General Court have therefore employed the greater part of the present Session, hitherto, in examining the causes of uneasiness, and the objections made to the measures of Government; and in providing (as far as honor and justice would allow) relief from the burthens, under which the Citizens of the Commonwealth have laboured: and we now request the attention of our Constituents, to the State of public affairs & the reasons, why a compliance with the wishes of some of them, would be dishonorable to us, and injurious to themselves.

We have no doubt, that endeavours are used by evil & designing men, to alienate the affections of the people in general, from those who are concerned in the administration of Government; but conscious of the rectitude of our intentions, we are convinced, that if the public measures are examined with candour, the confidence you lately reposed in us, will not be lessened; and that however great the public burthens are, attempts have not been wanting on our part, to alleviate them: no man in the Community is exempt from those burthens; the members of the Legislature have their full share; and can it be thought they would designedly impose unnecessary burthens on themselves, or omit any thing that might tend to their relief from such burthens? their duty and their interest, would equally forbid it, for the relief of their Constituents would be their own.

As we apprehend a great part of the uneasiness in the State has arisen from misinformation, we shall in the first place subjoin a state of the public debt, as well as the par-

* Not printed in previous editions.

ticular debt of this Commonwealth as this State's proportion of the national or Continental debt.

The debt of this Commonwealth is in notes issued by the late Treasurer Gardner, & the present Treasurer, which are called either consolidated or army notes.

The consolidated Notes that have been issued, amount to	1,381,675 <i>1</i> / ₁₀	18 <i>1</i> / ₁₀	10
The Army Notes amount to	250,114 <i>1</i> / ₁₀	14 <i>1</i> / ₁₀	4
	1,631,790 <i>1</i> / ₁₀	13 <i>1</i> / ₁₀	2
Of the Army Notes, provision has been made by the tax No. 4, for the redemption of 140,000 And by tax No. 5 provision is made for the redemption of 100,000	240,000	0	0
which being deducted leaves	1,391,790 <i>1</i> / ₁₀	13 <i>1</i> / ₁₀	2
The Notes redeemed & received into the Treasury for the sale of lands &c amount to	34,650 <i>1</i> / ₁₀	14 <i>1</i> / ₁₀	8
Which being subtracted there remains	1,357,139 <i>1</i> / ₁₀	18 <i>1</i> / ₁₀	0
The notes for which Eastern lands have been sold, & which have not yet been received in the Treasury, will amount to	30,693 <i>1</i> / ₁₀	0	4
There remains, therefore, due from the Commonwealth, for the redemption of which no provision has been made by tax, Notes to the amount of	£1,326,446 <i>1</i> / ₁₀	18 <i>1</i> / ₁₀	2

Of the consolidated Notes above-mentioned, about ninety thousand pounds were issued for the principal and interest of the Notes, which had been given before the War by Treasurer Gray; the remainder were issued for money borrowed, and for cloathing, Stores, and other Goods purchased, and for services performed, since the Commencement of the War, at the price in silver, or reduced to that value, by the scale of depreciation.

The Army Notes were given to the Officers and Soldiers of this State's line of the Army for their wages at the rate promised before any depreciation had taken place.

The national, or Continental debt, is either foreign or domestic.

The foreign debt being for money borrowed in France, Spain & Holland, according to an estimate made by Congress, amounts to	7,885,085	Dollars
which is equal in the lawful money of this State, to	2,365,525	10 <i>1</i> / ₁₀
The annual interest of which, part at 4 and part at 5 per cent is 369,038 dollars, equal in lawful money to	110,711 <i>1</i> / ₁₀	8
This State's proportion of the abovementioned foreign debt, according to the last requisition, is,	353,925 <i>1</i> / ₁₀	7
This State's proportion of the annual interest of the foreign debt is	16,564 <i>1</i> / ₁₀	6
The Continental domestic debt, which is due to the Citizens of the United States for the service of the Army, and the other expences of the war, and which is on interest at the rate of 6 per cent. was estimated in the year 1783 at about thirty four millions of dollars; but that estimate was formed, partly on conjecture, and by the latest accounts from Congress, it is now computed at twenty seven million of Dollars, which is equal in the Lawfull money of this State, to	£8,100,000	

This State's proportion of the Continental domestic debt, according to the last requisition, is	1,211,906
Of which sum we have now in the Treasury of this State, in Loan Office Certificates and final settlements, received of divers persons on settlement of accounts, for lands for the old Continental Currency	49,705 14
Remains	1,162,200 6

Exclusive of the above debt, which is due from the Continent to individuals, each State has a demand upon the Confederacy, for money expended and service done for the benefit of the Continent; this State has large claims, and it is supposed we are considerably in advance; but there is no ground for the suggestion, that we owe little or nothing of the Continental debt; for it is to be considered that each of the other States has demands also, and some of them large demands; and the method of settlement therefore must be, to examine the claims of the several States, & the whole that are allowed, will form an aggregate sum, which will be a debt due from the United States to the several States in the Union; that aggregate sum must then be apportioned on the several States, & if our claims amount to more than our proportion of that sum, we shall have credit for the balance; but altho' we think the balance in our favor, on the settlement of these accounts, will be considerable, we have no reason to expect it will be in any measure sufficient, to answer our proportion of the above-mentioned domestic debt.

No endeavours have been wanting, on the part of this State, to effect a settlement of the abovementioned accounts with the Continent; a Commissioner from Congress sometime since attended nearly a year in this State for the purpose of settling accounts; his attention indeed was chiefly taken up in the settlement of private accounts: since that time, another Commissioner has attended as long for the same purpose: a Committee of two persons, on the part of the State, are chiefly employed in the business: considerable progress has been made; but the accounts are almost beyond conception numerous, intricate, and of difficult adjustment, owing in a great measure to the different modes, in which the accounts were kept, to the variety, and sometimes the supposed defect of vouchers; and to the different paper currencies and their different States of depreciation: but we hope the business will be accomplished, as soon as industry can effect

it. The other States have not yet settled their accounts, untill that is done, if ours were settled, we should not be able to know, whether we are in advance or not.

Although from the foregoing statement, it appears that a large debt is due, yet when our resources, and the manner in which payment can be made, are considered ; We think the inhabitants of the Commonwealth will be satisfied, not only that they are able to pay the debt ; but that it may be discharged without greatly distressing them.

The particular debt of this Commonwealth is almost wholly due to its Citizens ; the payment therefore will not weaken the State by draining it of its property. Considerable sums are expected from the sale of lands in the easterly part of the State, and every measure that prudence will admit, is taken for the speedy sale of those lands.

Of the national or Continental debt, that part which is due to Foreigners, must be paid in Gold or Silver ; if the Continental Impost should take place, which there is much reason to expect, it would immediately discharge us from the interest, & in a few years from the principal of this debt.

Our full share of the Continental domestic debt, is undoubtedly due to the inhabitants of this State ; Congress have resolved, that the lands ceded to them by the individual States, shall be disposed of, for the payment of that debt ; and we have lately received information, that such measures have been taken for surveying those lands, that a very large tract may in a short time be disposed of for that purpose, & that Purchasers will not be wanting :

The grant of the Supplementary fund is complained of ; the reasons why the Legislature adopted that measure, are expressed in the preamble of the Act ; and we think ourselves entitled to expect, that no one will condemn the measure before he has attended to those reasons. We hope that means will soon be devised to bring into the Treasury of this State, our proportion of the Continental Securities ; in that case the act will never operate.

We are informed that the publick Securities are now disposed of at a lower Rate than at any former Period : but suppose there was no depreciation upon any of those securities, perhaps the sums we have paid in taxes, in hiring men, and purchasing supplies for the army, within the last eight years, are more than the whole amount both

of our State debt, and our proportion of the Continental debt.

If the public had been able to prevent the depreciation of the publick Securities, we think strict justice would have required it; but notwithstanding the most solemn promises of future payment, that depreciation has taken place; perhaps therefore a criminal breach of faith is not yet imputable to the public Councils: but if, when it is within our power, we refuse to redeem the securities; what excuse shall we have? can we be willing, that the History of the American Revolution shall be blackened with the tale, that we refused to redeem the securities we had given to effect it, and shall our posterity blush to hear of the event because the Perfidy of their Ancestors exceeded their *glory*?

Some have observed, that the Continental Currency is not redeemed unless at the rate of seventy five for one; and propose that the whole debt be reduced by law to the present current value: but is there not a wide difference between the cases? The first emissions of that currency were comparatively small; after it had suffered a depreciation beyond what has happened to any of the public securities, immense sums were brought into circulation; and the public received a consideration for them not more than at the rate of one for forty or fifty, and perhaps more; it was therefore thought unreasonable to redeem them at the nominal value: besides, if the securities should be reduced by Law to five shillings on the pound, they would instantly fall in their current value, to one shilling, there would then be the same reason for reducing them to that sum, & from thence to nothing.

If an individual is involved in debt, both prudence & honesty require him to be frugal, and pay his debt as soon as may be; by a long and expensive war, we incurred a large public debt, tho' far less than that, which our enemies incurred; but instead of using every effort to pay it, divers persons have employed themselves in devising methods to get rid of it, without payment; many indeed have employed much more time and money to this end, than (if better employed) might have purchased their whole proportion of the public securities — they alledge that many of the first professors have been obliged to sell them, for little more than one third of their amount, & therefore that the present holders ought to receive no more: but we should do well to remember, that the

public has received the full value of all the Notes they have issued, they were made transferable by Law; and many of them have been sold, but if we had paid them as we promised, very few would have been sold; and shall we take no measures to pay them now, because we have omitted the payment so long?

It is said to be unreasonable to compel the man, who has been obliged to sell his securities at a low rate, to redeem them at the nominal value: this observation is made with an ill grace, when every man, who has sold his notes, can purchase them again at a lower rate than he sold them.

The nations of Europe, are unable to maintain War, without borrowing; much less could we: but in case of a war, who would lend us, if our neglecting seven years to pay the sum borrowed, will justify our not paying at all.

Policy, therefore, as well as justice, demand, that we do all in our power to satisfy our Creditors. In private life the man, who avails himself of artifice and fraud, will soon find his character blasted, & himself the object of contempt; while he, who incompassed with difficulties maintains an honest course, may hope for the friendship of man and the favor of Heaven. The same will be the case in States and Communities, so long as Righteousness exalteth a nation.

Among the late various complaints, perhaps none is more frequently made, than that the people are ignorant what becoms of their money; that they pay large taxes, and never learn how they are disposed of. We shall therefore state the amount of the several taxes, commencing with the Gold and Silver tax in 1780, & including the taxes granted since that time, except the tax granted in March last; the Payments that have been made on those taxes, the Impost and Excise &c. the & manner in which the money &c. arising therefrom, has been expended.

The Amount of the Taxes since 1780 is	1,407,895 ₁₁	12 ₁₁	10
Abatements to several Towns on those Taxes	111,226 ₁₁	2 ₁₁	1
Still due upon those Taxes	279,437 ₁₁	1 ₁₁	1 ³ / ₄
	390,663 ₁₁	3 ₁₁	2 ³ / ₄
Received into the Treasury upon the above mentioned taxes	1,017,232 ₁₁	9 ₁₁	7 ³ / ₄
The amount of Impost and Excise	154,378 ₁₁	6 ₁₁	4
The amount of one per cent: duty on Auctioneers	4,196		7
The amount of what has been rec ^d for Absentees Estates sold	25,283 ₁₁	15 ₁₁	11 ³ / ₄
Received of Naval Officers	2,715 ₁₁	19 ₁₁	2
Anticipated on the several taxes & on the Impost & Excise by the Treasurer's Orders	78,481 ₁₁	4 ₁₁	0
Received of sundry Agents, Commissary General &c. &c.	44,090 ₁₁	16 ₁₁	5
	1,326,378 ₁₁	12 ₁₁	1 ³ / ₄

The following is an Account of the manner, in which the money &c. received for the taxes &c. abovementioned, has been expended.

Warrants drawn on the Treasurer for the payment of Militia Rolls, Continental Teamsters, repairs of the Castle; pay of the Garrison there, Officers & Soldiers disabled in former wars, Officers & Soldiers disabled in the late war; Committee to purchase Cannon and other warlike stores, accounts allowed by the Committee on Accounts; building Light-houses; Committee to settle the boundary line between this State & New York, the survey and sale of eastern lands, &c; the Warrants drawn from October 1781 to October 1786, altho' some of the services were performed before, . . .	295,588,	1,	5
Paid to the Continental receiver of taxes . . .	169,002,	6	0
Mr. Appletons Certificates, received for taxes, which are not yet paid to the Continental Receiver . . .	12,894,	18,	0
Militia rolls for sundry services, & for the pay of 3 & 6 months men . . .	112,427,	0,	5
for teamsters, paid Golo. Jabez Hatch . . .	18,601,	4,	5
Colo. John Allan, for Eastern Indian Department, freight of cloathing from France, quarters &c. for the Officers of the French army, while in Boston 1½ years pension to Richard Gridley, esqr., and a balance of a gratuity of twenty-four dollars specie, due to the Soldiers of this Commonwealth's line of the Army . . .	8,303,	3,	2
Warrants for 3 month's pay of the army in 1780 . . .	30,717,	7,	0
New emission bills redeemed and burnt . . .	150,329,	15,	2
do redeemed & now in the Treasury . . .	44,146,	3,	9
Interest paid on new emission bills . . .	15,576,	5,	4
Army Notes redeemed . . .	95,624,	2,	10
Bounties paid for killing wolves . . .	1,405,	0	0
Interest paid on State Notes for four years . . .	265,371,	1,	2
Certificate money redeemed & burnt which was issued in 1781, to purchase Stores for the Army, & and receiveable on the tax of that year . . .	8,364,	0	0
Certificate money redeemed and now in the Treasury . . .	9,987,	0	0
Allowance to Peter Savory on account, for supplies from France . . .	982,	16,	0
balance of the Gold and Silver Tax, that was due from Sheriffs remaining to be by them accounted for . . .	3,158,	1,	6
Paid sundry taxes which became due on absentees Estates before those Estates were sold and sundry Resolves of Court to discount such Taxes . . .	3,842,	13,	2
paid to Continental Commissary for wounded Officers & soldiers, in addition to what is charged in the first article . . .	10,335,	15,	0
Committee for settling with the army, methodizing public Accounts, & settling with the Commissioner of Congress . . .	2,069,	13,	8
President and Professors of Harvard College since the year 1781 including a Grant made to President Landon for services previous to that time . . .	2,362,	16,	8
To Members of Congress from June 1780 to Sept 1786 . . .	11,558,	8,	2
Warrants in favor of the former & present Governor from Octr 1780 to Octr 1786 . . .	6,150,	0	0
For the Members of the Council at 8/ P day for each Days attendance at the Council board since the year 1782 . . .	3,387,	1,	10
For the members of the Senate, from Octor. 1780 to Octor. 1786 at 7/6 P Day for each Days attendance . . .	9,052,	6,	1
For the members of the House of Representatives, for their service during the same period, at 7/ P Day for each days attendance . . .	44,865,	10,	0
Treasurer and Clerks, Secretary and Clerks, Commissary General, Chaplan of the Court, Messengers of the Court & of the Council and Clerks of the Committee on valuation . . .	6,941,	10,	2
The Judges of the Supreme Judicial Court . . .	7,143,	11,	7
Attorney General, in full of his services in that Office before 1783 . . .	1,063,	12,	0

Committee for revising the Laws, and their Clerk	209	16	0
Record books Stationery and fuel not paid by Committee of Accounts	271	19	4
	1,351,633	19	11
Deduct what remains unpaid on the Warrants in favor of the Governor, the General Court &c. &c. &c.	25,255	7	9 $\frac{1}{4}$
	£1,326,378	12	13 $\frac{1}{4}$

The particular accounts of payments from the Treasury, are exceeding lengthy, and could not with any convenience be here inserted.

It appears that of the above taxes which have been received into the Treasury, the greater part has been disbursed for defreying the expences incurred by the War; more than one hundred and eighty thousand pounds have been collected for the use of Congress, partly in Specie, to enable them to pay for such services as required prompt payment, to support the federal Government, and pay the interest of the foreign debt: and partly in the Certificates of Mr. Appleton, for the payment of the interest of the domestic debt.

It also appears, that exclusive of the sums paid to Congress, the public Debt has been much lessened; almost the whole sum expressed in the first article of the Account of moneys expended, was paid to the Militia & for other services and supplies in the War; and was a part of the debt of this State, altho' Notes had not been given for it; the New Emission bills and the Certificate money &c. & the Warrants for Rolls &c were also debts of the Commonwealth, altho' the latter was charged to the Continent; and therefore exclusive of the Army Notes that are redeemed, more than six hundred and fifty thousand pounds have been paid within the last six years, towards the Debt of this State, beside the interest of the Notes of this Commonwealth.

The Taxes above mentioned were all made payable, either in Specie or in the new Emission Currency, or in the Army Notes or in the Certificate Money abovementioned or the Certificates of Mr. Appleton. exclusive of these, the People of this Commonwealth have paid large Taxes of a different Description.

By a Resolve of Dec^r 3d 1780 — 4240 Men were required to be raised by this Commonwealth, for 3 years or during the War, it appears by the Returns of the several

Towns that the average Price of hiring those Men was £85,, 13/

The Expence of the whole, therefore, was	363,156.
By a Resolve of March 1782 — 1500 Men were ordered to be raised for the like Terms the average Price of which was £61,, 14,, 8	
the whole Expence, therefore, was	92,350
The average Price of hiring 2700 Men for three months in 1781, was £7 — the whole amounted to	18,900
The average Price of hiring 500 Men for five months in 1781 was £7 — and the whole amounted to	3,500
Three Beef Taxes have been granted, for procuring in the whole 8,927,115 lbs of Beef which at 4d p lb would amount to	148,785,, 5,,
The old Emission Currency redeemed and brought into the Treasury at the Rate of 1 for 75 amounted to	122,655,, 12,,
	749,346,, 17

The above Expence it is manifest was occasioned by the War.

The Account of the Manner in which the Money &c. received for Taxes &c. has been expended, includes all the Warrants that have been drawn on the Treasurer from October 1781 to October 1786; The Expence of civil Government, to wit, the Governour, Council, Senate and House of Representatives, Members of Congress, Judges and Atty. General, Secretary & Treasurer & Clerks, Commissary General, Chaplain, Messengers, Committee for revising the Laws, &c. would according to this Account, be ninety thousand five hundred and forty four pounds fifteen Shillings and two pence for the last five years: but we find that near the Close of the Paper Currency, Warrants oftentimes were not drawn untill a considerable Time after the Services were performed. In the Warrants mentioned in the above Account in favor of the Members of the General Court & of the Congress only £5619,, 8,, 1 was for Service performed before October 1781 — Notwithstanding which we shall consider the above Sum of ninety thousand five hundred & forty four pounds fifteen Shillings & two pence as wholly the Expence of civil Government for the last five years; it will then follow, that eighteen thousand one hundred & eight pounds nineteen Shillings has been the annual Expence of Government, about one half of this Sum is for the Service of the House of Representatives, their Travel is paid by the State, but their Attendance is ultimately paid by the Towns they respectively represent; their Travel is less than one fifth part of the whole Sum allowed them, and therefore four fifths of the Expence of the Representatives is not so properly the Charge of the Commonwealth in

General as of the particular Towns that choose them. The Sessions of the General Court since the War have necessarily been frequent and lengthy. A revision of the Laws was found necessary, and has taken much time: the matters to be attended to have been vastly numerous, and a far greater variety of difficult & important questions has arisen than formerly; upon which the people in different parts of the Country were divided in sentiment; as the Representatives brought to Court the views of their Constituents, the sessions have been lengthened out, by long & interesting debates. The disturbances at different times in the State, have also multiplied and protracted the Sessions; these embarrassments we hope are nearly at an end, and whenever they cease, the expences of Civil Government, will be considerably diminished.

We shall state for your information on this Subject, an Account of the salaries and emoluments of the several Officers of Government, before and since the Revolution.

The Governor under the former administration received a Salary of £1,300 in Specie, he had the use of the Province House Gardens &c., he also received for every Register 5/ for every Certificate under the Province Seal 3/, one third part of all seizures, and prizes, a considerable sum from the Naval Officer, and other emoluments, amounting it is supposed to £1,000 per annum, making in the whole £2,300, he was also exempted from taxation.

The Governor, under the present constitution, has the yearly salary of £1,100, — no house or accommodations are provided for him; he receives no perquisites or emoluments whatever, & is not exempt from taxes. When the Governour's salary was settled, soon after the Constitution, Regard was had to the Probability that money would soon be as scarce and valuable as it was before the War.

The Lieut Governor, under the former Administration received no salary; but as Captain of the Castle, received wages, rations, and the benefit arising from passes, all which it is supposed amounted to £250 per annum — the chief of the time he was a member of the Council.

The Lieut Governor under the present constitution, receives no salary as Lieut Governor; but as Captain of the Castle, he also receives wages, rations, and the like benefit arising from passes, all which it is supposed, amount to the same sum of £250 per annum he is also a member of the Council.

The judges of the Superiour Court, under the former administration received as follows — In the year 1774 a Salary of £300 was granted to the Chief Justice, the other four receiv^d £250 each; the fees of office to wit; for the entry of every action 6/8 &c &c &c, which they received, paid more than their traveling expences, which were over and above their salary; notwithstanding the business was far less than it is at present; some of the Judges at least, were in other offices, as Judges of Probate, Counsellors &c.

Soon after the present Constitution took place, salaries were granted to the Judges of the Supreme Judicial Court as follows to wit, to the Chief Justice £320 *p* annum, & to the other four Judges £300 each — since that Time the Jurisdiction of that Court has been much enlarged new Powers have been given to them to permit the sale of Lands, they are now the Supreme Court of Probate, they have Jurisdiction in all Cases of Divorce & Alimony which heretofore belonged to the Governour & Council — A Court is also holden in the County of Lincoln. In consideration that their Business was greatly increased, by an Act of February 1785 an Addition of £50 *p* annum was made to each of their salaries to commence Jany. 1st 1784, & continue untill January 1st 1787 they are restrained by the Constitution from receiving any other emolument whatever: all the fees now taken by them, being deducted out of their salaries: great part of their time is taken up in the service of the Commonwealth on the Circuits, and nearly the remainder on the public business, at their respective homes in examining matters of law which are continued for their examination & Judgment; and it is supposed that the salary of the present Judges is less than the salary and perquisites of the former Judges.

The Treasurer under the former Administration received £267 per annum, and was Counsellor during the time he was in Office; the Office in which his business was done, was found him by the Government, besides which an annual Grant from 100.0.0 to £120.0.9 was made him for extra services.

The present Treasurer has £350 with a House and Office and his whole time is employed in the business, and he cannot have any other advantage whatever.

The Secretary under the former Administration, received

£140 per annum, beside his fees, which are supposed to amount to £200 more, in the following manner, to wit, — for every Certificate under the Province Seal 2/, engrossing Acts & Laws 6/ each, every Commission of a Justice of Oyer & Terminer & Justice of the Peace, 6/8 — every commission under the great seal, for places of profit 6/8, — every Order of the General Court for the benefit of particular persons 6/8, — every Writ for electing Representatives 5/ &c. &c. and yet his time was not half employed, and additional Grants upon many occasions were made him.

The present Secretary has a Salary of £250 per annum, the fees of Office the last year amounted to £140, and were deducted from the aforesaid sum. He has no fees of Office but what are deducted from his salary, which is not nearly equal to the salary & perquisites of the former Secretary, notwithstanding the service rendered to Government is more than double.

Before the war the Province had two Agents at the Court of Great Britain, who received a salary of £400 lawfull money each.

The Delegates at Congress received for the current year thirty three shillings per day, while they were in service: at the last May session, it was determined that they should receive 26/ for each day's attendance, for the year which commenced the first Monday of Nov^r current, which is to include every expence.

The Officers of Harvard Colledge now receive the same salaries as they did for a number of years previous to the Revolution.

The Clerk of the House of Representatives under the former Administration received from £90.0.0 to £100 and received pay as a member of the Court.

The Clerk of the present House has received at the rate of £135 the Sessions being more frequent & much longer than formerly, & he cannot be a member of the House.

The Messenger of the General Court formerly received £120 — The present Meessenger receives only £80.

It was supposed the avails of the Attorney General were very small during the war, he was appointed to that office June 12th 1777.

In Jany. 1779 a grant was made him of £900 of the old Emission equal in Specie to	£100
In May 1780 another Grant was made him of £7500 equal in specie to	107
In March 1784 a Grant was made him in specie of	1063 12
The whole amount of what has been granted him since his appointment to that office in 1777 is	1270 12

A considerable part of the money granted to the Attorney Gen^l in paper, was not received till its value was much less than the sums to which it is liquidated as above.

From this statement of facts, our Constituents will judge if there is any ground for the suggestion, that the support of Civil Government is become an insupportable burthen upon the people.

It has been said indeed, that the Governor & the General Court are paid by the Treasurer in money, when other Creditors can get nothing, except Orders on the Constables of the several Towns; but the present Governor has received only £15,, 1,, 3½ more than two quarters of his salary; the amount of what he has received has not been sufficient to discharge his taxes since his first election to the office of Governor; and there is not a member of the General Court who has received a farthing in Specie from the Treasurer for his service the present year — Nor have they since the Constitution took place rec^d from the treasury nearly so much in money as their actual expences.

The sitting of the General Court in Boston, has occasioned uneasiness; doubtless it would be more convenient for a part of the State, if it was holden at some other place; but the interest and wishes of a part, are not to be considered alone: Boston has long been thought the most convenient place: some of the General Court have supposed otherwise: but the major part were against a removal and must the minor part therefore rise against the Government? Because they could not have every thing as they wished could they be justified in resorting to force? Such a principle would destroy all Society. Attention however has been paid to the Instruction of many Towns respecting the removal of the general Court out of the Town of Boston and a Committee consisting of a Member from each County has been appointed to consider the Subject & report.

It never can be the case, that the whole community shall be of the same opinion. In a Republican Government the major part must govern: If the minor part governs, it becomes an Aristocracy: if every one opposes at his pleasure, it is no Government, — it is anarchy & confusion.

In some parts of the Commonwealth it is frequently said, — if our Representative goes to Court, he will do us no service; for the measures he is in favor of, will not be adopted: but *why* will they not be adopted? every meas-

ure that is proposed, is attended to, and considered; and if finally rejected, it is, because the majority think it inexpedient; and how absurd and contradictory would the proceedings of the Court be, if every proposition should be acceded to.

The Complaints in different parts of the State are repugnant; and petitions from different places, request measures, directly opposite; it is impossible therefore, that all should be gratified: what then shall be done? unless we submit to be controuled by the greater number, the Commonwealth must break in pieces; — but neither will the inhabitants of any County or Town be all of the same sentiments, each man therefore must be a part, and the whole reduced to a state of nature.

If then it is plain that the vote of the major part must govern, the question is, where shall that vote be taken? not in a County Convention; because nine tenths of the State are not represented, and their interest is not attended to. The Constitution has pointed out the *mode of representation*; and will any one suppose that because the persons chosen, are called a General Court, they have less integrity or patriotism, than if they were called a convention.

It is even said by some, that a new Constitution is necessary; and altho' the sentiments of the persons who complain are opposite on this point: the subject may demand some attention; the objection made to the present Constitution is, *the expence of the Government*: from the foregoing statement of that expence for the last five years, we find that if the expence of the House of Representatives is included it will not exceed eighteen thousand one hundred & nine pounds by the year; as there are in the State, more than ninety four thousand polls, if the whole sum was paid by the polls, each poll must pay three shillings & ten pence, and no more; but as about two thirds of the taxes are paid by the Estates, the tax upon a poll, according to the present mode of assessment, would be less than sixteen pence

It has been alledged, that the salaries given to the Officers of Government, are a great burthen.

The Governor has per annum	.	.	.	.	.	.	.	.	1100
The Secretary	.	.	.	.	.	.	.	.	250
The Treasurer	.	.	.	.	.	.	.	.	350
The Judges of the Supreme Court	.	.	.	.	.	.	.	.	1775
The Commissary General	.	.	.	.	.	.	.	.	150

If this sum was wholly paid by the polls, the tax would be no more than nine pence half penny upon a poll: it must therefore be apparent to every reasonable man that the large taxes we have paid, have not been applied to the support of Civil Government.

We have but lately heard, that the Senate has been thought by any one to be a grievance;—if it has been so considered we think it must have been owing to inattention; for we are convinced, that every judicious man who attends to the nature of our Government will consider, that as an important and necessary branch of the Legislature.

Before the Constitution was formed every Town in the State had a right to send one or more Representatives; the people at that time were very tenacious of this right; it is highly probable they would be so at the present time; perhaps the very persons who complain, would not be willing to part with it for if they preferred a Legislature elected by Counties, to one chosen by the several Towns, such an Assembly would be constituted like the present Senate & differ only in name; however, the cost of an experiment would far exceed the sum proposed to be saved, as a revision of the Constitution may take place in 1795, when it is to be hoped, the minds of men will be in a more tranquil state.

An attempt to form the present Constitution was begun in the year 1777 and was not completed until the year 1780. The cost and trouble attending it, we all remember were exceeding great, & perhaps nothing would finally have been agreed to, if an unusual spirit of mutual condescension had not prevailed; a sense of common danger from abroad produced internal harmony & union; but what hope could we now have of that mutual compliance, which would be necessary to agree upon a form of Government, when the tempers of so many, are in a state of irritation? Should the present Government be overthrown, a state of General confusion would ensue; and after we had experienced all the horrors of anarchy, & the effects of unrestrained violence and revenge, our dear earned freedom, would probably be swallowed up, by domestic despotism or foreign dominion.

The Constitution is as free and popular as the preservation of Society will admit; and indeed some have feared, it is more so: it has been highly applauded by foreigners

and approved by the people : all persons employed in the Legislative, or Executive parts of Government, depend annually upon the people for their choice : if the people are dissatisfied with their conduct, they have an opportunity yearly to appoint others, in whom they can more fully confide ; can there be any necessity then, of resorting to irregular, or violent measures to obtain redress of Grievances ?

That the people are overburthened with taxes is said to be a Grievance : the taxes have indeed been very great, perhaps the General Court have misjudged of the abilities of their Constituents but it may be that those who complain, if they knew the state of the public debt, and the motives of the Legislature, would be satisfied — We shall therefore state them.

The sums applied to the use of the United States, were esteemed by Congress, to be indispensably necessary ; & the General Court in former years supposed they could not, with any regard to their duty as a part of the Union, refuse the payment ; nor could we think ourselves under less obligation to provide for the payment of that part of the Tax, granted in March last, which is appropriated to the use of the Continent.

The necessity of a speedy payment of the before mentioned part of that tax, is complained of as a Grievance.— By the Resolve of Congress of Sept 27th 1785 it was provided that the Commissioners of the Continental Loan Office should not on any pretence whatever, issue any Certificates for the interest of the Continental Debt, untill the State for which he was Loan Officer should have passed a Legislative Act, complying with the requisition in the said Resolve — And by the same Resolve it was required that the Legislature of each State should provide in the Act, complying with that requisition ; — that if on the first day of January 1787, the said Certificates should not be in the hands of some proper Officer, the deficiency should be paid in specie — it was therefore absolutely necessary that the Act should be constructed as it was, otherwise no Certificates could have been issued — Notwithstanding which, Application is now made to Congress, that the term for receiving those Certificates may be prolonged.

The Army Notes were made payable, one third part in 1784 one third in 1785 & the remainder in 1786. — The service of the Officers & Soldiers of the late Army, was

acknowledged by all to be exceedingly meritorious, and perhaps no part of the Community had greater reason to complain of Grievances than they—it was represented that many of them were urgent to have the notes Redeemed;—they were issued upon this express condition that they should be receivable in the first taxes after they should become payable;—and the General Court well knew, that if the Abilities of the People were sufficient, it would be greatly for their advantage to redeem them.

We think the Observations that have been made will explain the necessity of that part of the Taxes, which has been applied to the support of civil government—With regard to the residue of the Taxes, it is apparent from the manner in which the expenditures have been made, that they were occasioned by the War—When the War first commenced, the people solemnly engaged to each other to carry it on untill they obtained security of their rights, altho' their *lives* and *fortunes* should be the *price of the purchase*; if there was the least truth or sincerity in these declarations, could it be supposed, they would individually grudge the Contribution of their part of the expence when the event exceeded their most sanguine expectation?

Publick Credit is one of the most important trusts committed to the Legislature, in proportion as that declines the State is weakened and in danger; It is of the same importance to a community as a character for truth is to individuals. The Want of a paper currency has been complained of as a Grievance, but we find that in divers places where complaints have arisen, the idea of a paper currency is rejected with marks of great disapprobation; indeed a little attention to the subject we conceive must satisfy every intelligent and unprejudiced mind, that the Emission of such a Currency, would be exceedingly prejudicial—If it could be carried into circulation, the solid coin would be exported, the morals of the people would become more depraved, designing men would practice innumerable frauds;—and if it should ever afterwards be redeemed, it would plunge the State in deeper distress; If it should not be redeemed, it would cause the ruin of many individuals & brand the State with Infamy;—and upon whom would that ruin fall? not upon the artfull & unprincipled, they would gain by the fraud; not upon the prudent & discerning, they would be guarded against it;

but the loss would chiefly happen to the *Widow* & the *Orphan*; the simple and unwary; the most innocent & defenceless part of the Community; that Part whose Interests, the Legislature ought to defend with peculiar Attention. The Widow & Orphan are the special Charge of the Supreme Being & all are enjoined to exercise Vigilance & Tenderness for their Welfare, this Injunction every man possessed of natural affections must feel the force of, for who can tell how soon his Wife & his Children may fall a prey to sharpers & speculators, if a *paper* system shall be adopted. —

A full experiment of this State's Ability to uphold the Credit of a paper Medium, was made in the Case of the new Emission; the Faith of the United States and of this State, were *both* pledged for its Support; a Fund was provided sufficient to pay the Interest; and altho, when it first came into Circulation, it passed at the rate of one & seven eighths for one, interest to a large amount in silver, was paid upon the nominal sum; notwithstanding which, at the very Time the Interest was paying, the Currency rapidly depreciated.

We presume there is not a man in the State, who supposes, that if we emitted a paper Currency, it would not depreciate; & if it depreciates, it will pass at different Rates, in different Places, & to different Persons, at the same Time; it will therefore produce the same effect as divers Weights, & divers Measures, which we are assured are an Abomination.

We feel in common with our Neighbours the scarcity of Money but is not this scarcity owing to our own Folly? At the Close of the War, there was no Complaint of it; since that Time our Fields have yielded their Increase, & Heaven has showered its Blessings on us in uncommon Abundance; but are we not constrained to allow, that immense sums have been expended, for what is of no Value; for the Gewgaws imported from Europe, & the more pernicious Produce of the West Indies; and the dread of a paper Currency impedes the Circulation of what remains; It is said however that such a Currency would give us present Relief; but like the Pleasure of sin it would be but for a season; & like that too, it would be a Reproach to the Community, & would produce Calamities without End.

Untill the People can forget the Injuries & Frauds

occasioned by paper Currencys, in their own Time; we think they must be satisfied, of the inexpediency & Injustice, of making new Emissions.

Within a few years the Habits of Luxury have exceedingly increased; the usual Manufactures of the Country have been little attended to—that we can buy goods cheaper than we can make them, is often repeated, and is even become a Maxim in Economy altho' a most absurd & destructive one. While these Habits continue, the wisest Legislators will not be able to remove our Complaints. The Emission of a paper Currency and such like Expedients, may seem to refresh us for a Moment, but they will serve to fan the Flame, that must eventually consume us.

Without a reformation of Manners we can have little Hope to prosper in our publick or private Concerns;—at the Close of the War we greedily adopted the luxurious Modes of foreign Nations. Altho' our Country abounds with all the Necessaries of Life, the Importations from abroad, for our own Consumption, have been almost beyond Calculation; we have indulged ourselves in fantastical & expensive Fashions, & intemperate Living; by these Means our Property has been lessened, & immense sums in specie have been exported; Government is complained of, as if *they* had devoured them; and the Cry of many Persons now is, *make us paper money*. This request is next in Point of Imprudence, to that of the Israelites to Aaron, to make them a Calf; and a Compliance, would be but a little more honorable or advantageous in the one case, than it was in the other.

As the Difficulty in paying Debts increased, a Disregard to Honesty, Justice & good Faith, in publick & private Transactions, become more manifest. That Virtue which is necessary to support a Republick, has declined; and as a People, we are now in the precise Channel in which the Liberty of States has generally been swallowed up: but still our Case is not desperate; by recurring to the Principles of Integrity & publick Spirit, and the Practice of Industry, Sobriety, Economy & Fidelity in Contracts, and by acquiescing in Laws necessary for the publick Good, the impending Ruin may be averted, & we become respectable and happy—by such means we may falsify the invidious Predictions of our Enemies, that we should crumble to Pieces, and should be too corrupt to maintain Repub-

lican Freedom — In such a course we may hope that the God of our Fathers, who has defended us hitherto, will prosper the work of his own hands, and save the fair Structure of American Liberty from falling into Ruin.

We make no Boast of uncommon Skill in Legislation; but sacredly regarding the oaths We have taken, we claim the Merit of upright Designs, & of pursuing as far as we can judge, a System formed on the Principles of Justice, and calculated to promote the Honour, the Safety & Happiness of the State.

In a *State* where a Spirit of unreasonable Jealousy & a complaining Temper are indulged, and countenanced, it will be impossible to give Satisfaction to the People; if Angels in such Case were to govern us, opposition would be made to their Administration; indeed we have a striking Instance that when such Humours prevail, even the Authority of the Supreme Being will be thought a Grievance. The People of Israel were under his particular Care and Government; he was their Law Giver & Judge; he delivered them from their Oppressors — he led them through the sea — he rained them down the Corn of Heaven & sent them Meat to the full; but notwithstanding, they complained of his Government & wantonly provoked his Anger; — like that People, we have experienced astonishing Testimonies of divine Favour. God forbid; that like them, we should requite him with Murmuring & Ingratitude & provoke him to destroy us.

When the People are dissatisfied with the Conduct of any Government, it may at least deserve a Reflection, whether the Difficulty is not with themselves. At the last Election in this State, perhaps a greater Number of new Members were returned, than at any former Period — they came together with a fixed Design, to gratify their Constituents in every Thing which the Interest of the Community would permit; & they never lost Sight of that Object; notwithstanding which, greater Dissatisfaction with publick Measures is expressed at this Time, than ever before since the Revolution — The Legislature have attended to all the Petitions that have been presented, and all the Complaints that have been made, so far as Justice will allow, they will comply with the Requests in those Petitions and remove the Grounds of those Complaints — If they possess Abilities and Integrity equal to the other Members of the Community, the Advantages

they derive from the Information collected from all Parts of the State, and a publick Discussion of Subjects, render them more capable to judge, of the Fitness of publick Measures ; but if they are to have the Favour of the People and a Voice in the publick Counsels only on Condition of their establishing Iniquity by Law, they are willing to lose the shameful Preeminence.

The General Court have heard with inexpressible Concern of the Insurrections in several Countys of the State — The Pretence that the Court of Common Pleas is a Grievance, affords but a wretched Excuse for such outrageous Proceedings — that Court, except a small alteration in the name, has existed time immemorial ; No Complaints were heard against it in former Times — No Application has been made to the Legislature before this Session to abolish it —

The Fees, except those of Jurors and Witnesses, are in many Instances less & we think in none greater than they were before the War ; Provision has been made to enable the Citizens to settle their Demands without resorting to that Court, if they are disposed to do it ; several years since, the Justices of the Peace were authorized, to take Acknowledgments of Debts, even to the largest Amount ; and more lately an Act was passed to enable any Persons in difference, who could agree to refer their Disputes, to resort to a Justice and enter into a Rule for that Purpose, without being subject to the Expence of an Action. But if the Court of Common Pleas has been by any supposed unnecessary, how surprising then the Idea, that any Persons could think themselves justified in opposing by Force, an ancient Institution, without taking a single step to obtain Redress in a regular Method ; but not content with obstructing the Courts of Common Pleas, the disaffected have taken Arms to prevent the Sitting of the Supreme Judicial Court, against which not a single Complaint has been uttered. these Proceedings are the more alarming as they can be accounted for, only on the Supposition, that the Instigators wish to subvert all Order and Government, & reduce the Commonwealth to the most deplorable State of Wretchedness & Contempt —

In this view our Situation appears exceedingly alarming ; sufficiently so to arrest the most serious Attention & summon the united Efforts of all Orders in the State ; Some Persons have artfully affected to make a Distinction

between the Government & People as though their Interests were different & even opposite; but we presume, the good Sense of our Constituents will discern the Deceit & Falsity of those Insinuations: within a few Months the Authority delegated to us will cease, and all the Citizens will be equally Candidates in a future Election—we are therefore no more interested to preserve the Constitution & support the Government than others: But while the Authority given us continues, we are bound by our oaths to exercise it for the Benefit of our Constituents—And we now call upon Persons of all Ranks & Characters to exert themselves for the publick Safety—Upon the Ministers of Religion, that they inculcate upon the Minds of their People, the Principles of Justice and publick Virtue,—that they earnestly endeavour to impress them with Sentiments of Reverence to the Deity & Benevolence to Men, & convince them of the ruinous Effects of Luxury & Licentiousness—Upon the Officers of every Denomination, that they endeavour to inform the ignorant; and by their Examples of Economy, to induce others to the Practice of the same Virtue; and that they use their utmost Efforts to suppress the Insurrections of such lawless and violent Men as may wish to pull down the Fabrick of Law & Government and level it with the Dust—And upon the whole Body of the People, that they provide for the Instruction of the rising Generation; that they practice all those Virtues which are the Ornament & Strength of Society, & abstain from those Vices and Follies, that weaken the State and have a Tendency to the Ruin: and especially that they oppose with Fortitude & Perseverance all Attempts to impede the Course of Justice & render their own Lives and Property insecure.

Many who disapprove Insurrections against the Government, neglect to afford their Aid, in suppressing them; but to stand *still*, inactive Spectators in such a Case, is like a Man who when his House is in Flames should stand with folded arms & console himself with this, that he did not set it on fire.

We persuade ourselves, that the far greater Part of those who; have been concerned in the late dangerous Tumults, have been deluded by the false Representations of men who go about to deceive; & we wish them to reflect how fatal such Proceedings may prove in the Issue, to themselves & their Children; that they must increase

the publick Burthens & embarrass the Measures calculated for Relief—that it is their own Constitution and Laws they are endeavouring to overthrow—that this Constitution, and these laws were formed for the Safety of every Member of the State; and that the Man who attempts to subvert those Laws and that Constitution, does in effect make an attempt upon the Life, Liberty & Property of every Member of the Community—And we conjure them, by all that they hold dear and sacred, forthwith to desist from such ruinous Pursuits.

Perhaps there are some, who deaf to the Voice of Reason, and lost to all Sense of Justice and Virtue, may resolve to continue in their dangerous Course; but let them be assured, altho' they may flatter themselves that the Considerations of Friendship and Affinity may delay the Time of Recompence—Yet the Vengeance of an injured Community, must one Day, pursue and overtake them.

In Senate, Nov. 14, 1786.

Read and concurred, etc.

SAML. PHILLIPS, JUN'R, *Presid't.*

In the House of Representatives, Nov. 14, 1786.

Read and concurred.

ARTEMAS WARD, *Speaker.*

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS;
BEGUN AND HELD IN BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1786; AND FROM THENCE CON-
TINUED, BY PROROGATION AND ADJOURNMENT, TO
WEDNESDAY THE THIRTY-FIRST DAY OF JANUARY,
1787.

1786.—Chapter 50.

[January Session, ch. 1.]

AN ACT PROVIDING FOR THE PAY AND SUBSISTENCE OF THE MILITIA THAT HAVE BEEN, NOW ARE, AND MAY BE EMPLOYED BY GOVERNMENT, IN SUPPRESSING THE DANGEROUS REBELLION THAT HAS TAKEN PLACE WITHIN THIS COMMONWEALTH. Chap. 50

Whereas a dangerous and an unprovoked Rebellion has taken place within this Commonwealth by a number of wicked and designing persons against the Constitution and Government of the same: And whereas for the suppression thereof, Government has been under the necessity of sending forth a large body of Militia, and further reinforcements may be necessary; whereby a considerable expence has been and may be incurred; for the payment of which, it is the duty and interest of Government to make speedy and ample provision: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same; That the sum of forty thousand pounds, arising from that part of the revenue of the Impost and Excise which by an Act passed the last session of the General Court, is directed to be paid into the Treasury of this Commonwealth, for the exigencies of Govern-

Sum appropriated for paying the militia.

ment, be appropriated for the purpose of paying and subsisting the Militia that have been and may be employed by Government, in suppressing the present unnatural and dangerous Rebellion within this Commonwealth.

And whereas it is highly necessary that the expence of the Militia that have been or may be employed in the aforesaid business should be defrayed, as soon as money can possibly be procured for the purpose :

Treasurer empowered to borrow £40,000.

Be it further enacted by the authority aforesaid, that the Treasurer be, and he hereby is empowered and directed to borrow for the purposes expressed in this Act, the aforesaid sum of *forty thousand pounds*, to be repaid with interest at the rate of *six per cent. per annum*, out of the first monies arising from the appropriation herein specified, after repaying the sum of *two thousand pounds*, which the Treasurer by a resolve of the *seventeenth of November, one thousand seven hundred and eighty six*, was directed to borrow on the credit of the same Revenue, for the purpose of paying the delegates from this Commonwealth in Congress.

And whereas divers persons, actuated by a laudable zeal for the public welfare, have generously advanced large sums for the subsistence of the Militia in the service aforesaid :

Sums which have been advanced, how repaid.

Be it further enacted that there be paid out of the public Treasury, out of the monies arising from the appropriation abovementioned, the several sums which have been or may be so advanced for the purpose aforesaid, with interest for the same, at the rate of *six per centum, per annum*, from the time the money was so advanced, till the same shall be repaid.

February 6, 1787.

1786.—Chapter 51.

[January Session, ch. 2.]

Chap. 51 AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT GRANTING INDEMNITY TO SUNDRY OFFENDERS ON CERTAIN CONDITIONS, AND PROVIDING FOR THE TRIAL OF SUCH WHO SHALL NEGLECT OR REFUSE TO COMPLY WITH SAID CONDITIONS, AND OF THOSE WHO SHALL BE GUILTY OF LIKE OFFENCES IN FUTURE.”

* Preamble.

Whereas in the Act, entitled “An Act for granting indemnity to sundry Offenders on certain conditions, and providing for the trial of such who shall neglect or refuse

to comply with said conditions, and of those who shall be guilty of like offences in future," passed the last session of this present General Court, it is among other things enacted, that certain offenders therein described, "shall be subject to be apprehended and tried before the Justices of the Supreme Judicial Court, either in the County in which the said offence was committed; or in any County within this Commonwealth nearest thereto, where law and justice can be administered without apprehension of interruption;" But no provision is therein made in what manner, or by whom, the trial of such offenders in any other County than that in which the offence hath been or shall be committed, shall be ordered and appointed, in virtue of said Act:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Governor, by and with the advice and consent of the Council, be, and he hereby is authorized and empowered, by warrant under the seal of the Commonwealth, by him subscribed, and directed to the Justices of the Supreme Judicial Court, to order and appoint the trial of such offenders to be had in any other County, than that in which the offence hath been or shall be committed, nearest thereto, where law and justice can be administered, without apprehension of interruption; and such offenders shall be there tried, agreeably to such order and appointment. And the Justices of the said Court, shall charge the Grand Jurors serving therein, for the body of the same County, diligently to enquire into and true presentment to make of all such offences, in like manner and form, as if they had been committed, within the body of their County; whose duty it shall be to do accordingly.

And be it further enacted by the authority aforesaid, That if any person or persons, are already indicted for any of the offences described in the Act above referred to, by the Grand Jurors for the body of the County within which the said offences are alledged and charged to have been committed, and the trial of such person or persons, shall be ordered and appointed, in manner aforesaid, to be had in any other County; then, and in such case, the Justices of the said Court, shall order the indictment to be brought before them, in the County wherein the trial of such person or persons shall be so ordered and appointed to be had, as aforesaid; and the

Governour and Council, authorized to order the trial of offenders to be had in any county.

Clause respecting persons already indicted.

same proceedings shall be had therein, and the like judgment rendered and execution done, in all respects, as would and ought to have been had, rendered, and done, if the trial was had, within the County wherein the offence had been committed.

When danger of an escape or risque is apprehended, Justices may cause convicts to be removed by a writ of habeas corpus.

And be it further enacted by the authority aforesaid, That if the Justices of said Court, shall apprehend there is danger of an escape or rescue, of any person or persons, who shall be convicted before them of any of the offences described in the aforementioned Act, whereby the judgment rendered against them may be avoided, it shall be lawful for the Justices of the said Court, to cause such Convicts to be removed by a writ of *Habeas Corpus*, (in which the reason of the removal shall be set forth) from the Goal of the County, in which they shall have been tried and convicted, into the goal of any other County, for their more safe keeping. — And the several Sheriffs and Keepers of the Goals, shall receive the said Convicts, into their custody, and safe keeping, as shall be commended them by the said writs, and judgment shall be executed upon all such Convicts, within the County into which they shall be so removed, in like manner, in all respects, as it would and ought to have been done, had they been tried and convicted in the same County.

February 9, 1787.

1786.—Chapter 52.

[January Session, ch. 3.]

Chap. 52 AN ACT FOR THE LIMITATION OF PERSONAL ACTIONS, AND FOR AVOIDING SUITS AT LAW.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, that all actions of Trespass, *quare clausum fregit*, all actions of Trespass, Detinue, Trover or Replevin, for Goods or Cattle, all actions of account, and upon the case, other than such accounts, as concern the trade of Merchandize, between Merchant and Merchant, their factors or Servants, all actions of debt grounded upon any lending or contract, without specialty, all actions of debt for arrearages of rent, and all actions of assault, menace, battery, wounding and imprisonment, or any of them, which shall be sued or brought at any time after the first day of *June* next, shall be commenced and sued within

the time and limitation, hereafter expressed, and not after; *that is to say*, the said Actions upon the case, other than *for slander*, and the said actions of account, and the said actions of trespass, debt, detinue and replevin, for Goods or Cattle, and the said actions of trespass, *quare clausum fregit*, within four years from the first day of *June*, one thousand seven hundred and eighty seven, or within six years next after the cause of such actions or suits, and not after; And the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within one year next after the first day of *June* aforesaid, or within three years next after the cause of such actions or suits, and not after; And the said actions upon the case for words, within one year next after the first day of *June* aforesaid, or within two years next after the words spoken, and not after:

Provided always, that if upon any of the said actions or suits, Judgment be given for the Plaintiff, and the same be reversed by reason of error, or a verdict pass for the Plaintiff, and for matter alledged in arrest of Judgment, the judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ or Bill, that in all such cases, the party Plaintiff, his Executor or Administrator, as the case shall require, may commence a new action or suit, from time to time, within a year after such Judgment reversed, or such Judgment given against the Plaintiff, and not after. Proviso.

And be it further Enacted by the Authority aforesaid, that in all actions of trespass, *quare clausum fregit*, hereafter brought, wherein the Defendant shall in his plea, disclaim all right, title and interest to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence or involuntary, the Defendant shall be admitted to plead a disclaimer, and that the trespass was done by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, or the Defendant may have leave to bring money into Court to satisfy the damage the Plaintiff has sustained, and in case the Jury shall not assess larger damages for the trespass, than the money tendered, or brought into Court, the Defendant shall recover of the Plaintiff his reasonable costs.

Clause respecting actions of trespass, when the trespass is supposed involuntary.

And be it further Enacted by the Authority aforesaid, that in all actions of the case, for slanderous words, all

In actions of the case, &c. when the damages are assessed under 41. the plaintiff shall recover only one half so much costs as the damages amount to.

actions of assault and battery, all actions for imprisonment, and all actions for malicious prosecutions, hereafter prosecuted in any of the Courts of Record, within this Government, if the Jury that enquire of the damages, do find or assess the damages, under *four pounds*, then the Plaintiff or Plaintiffs in such actions, shall have and recover only one half so much costs, as the damages so found or assessed amount unto, without any further increase of the same; and in all other actions, where the title to real estate does not come in question, in case the Judgment for the debt or damage be under *four pounds*, the Plaintiff shall be intitled to only one fourth part so much cost, as the debt or damage, unless in the opinion of the Court, where the same shall be determined, the Plaintiff had a reasonable expectation of larger damages than *four pounds*.

Proviso.

Provided always, that where Judgment shall be rendered upon the report of Referees, full cost shall be taxed for the party recovering, notwithstanding the Judgment be under *four pounds*, unless a different adjudication respecting the costs shall be made from the report itself.

Infants, feme coverts, or persons non-compos-mentis, &c. not barred from bringing actions.

And be it further Enacted by the Authority aforesaid, that this Act shall not be understood to barr any Infant, *feme covert*, person imprisoned, or beyond sea, without any of the United States, or *non compos mentis*, from bringing either of the Actions before mentioned, within the term before set and limited, for bringing such action, reckoning from the time that such impediment shall be removed: And if any person or persons, against whom there is, or hereafter shall be any cause of suit, for every and any of the species of action herein before enumerated, who at the time the same accrued, was without the limits of this Commonwealth, and did not leave property or estate therein, that could by the common and ordinary process of Law be attached, that then and in such case, the person, that is intitled to bring such suit or action, shall be at liberty to commence the same within the respective periods before limited, after such persons return into this Government.

Proviso.

Provided always, and be it further Enacted by the Authority aforesaid, that this Act shall not extend, to barr any action hereafter brought upon any note in writing, made and signed by any person or persons, and attested by one or more Witnesses, whereby such person

or persons has promised, or shall promise, to pay to any other person or persons, any sum of money mentioned in such note, but all actions upon such note or notes, brought by the original Promisee, his Executor or Administrator, shall and may be maintained, as if this Act had never been made, any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the authority aforesaid, that all Laws respecting the limitation of personal actions, made and passed prior to the first day of *January*, One thousand seven hundred and Eighty seven, be, and hereby are repealed.

Former laws repealed.

February 13, 1787.

1786. — Chapter 53.

[January Session, ch. 36.]

AN ACT IN ADDITION TO THE ACT FOR THE MORE EASY PARTITION OF REAL ESTATE, PASSED MARCH THE ELEVENTH, 1784.

Chap. 53

Whereas no provision is made by said Act, for determining the material facts set forth in the petition, for partition in case the same are controverted by any of the Tenants in common:

Preamble.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the facts alledged in any petition for partition, hereafter to be preferred, in consequence of the said Act, are controverted, by any of the Tenants in common, the answer or objection to the petition, shall be made in writing, in the form of a plea, to which the petitioner may reply, or demur, to the end the matter in dispute may be reduced to an issue in law, or fact, and receive a determination by the Court or a Jury, in the manner other issues are determined: And in case the issue be determined in favour of the petitioner, Judgment shall be entered up by the Court, that partition be made by disinterested freeholders, as the said law directs, and proceed to appoint them accordingly: and also that the petitioner recover against the adverse party, the cost attending the trial, and may issue Execution for said costs, in the form prescribed by law, as in other cases. But if on such pleading, it be determined that the petitioner holds a less share or proportion in common and undivided, than he has in his petition alledged, the ad-

Manner of determining facts alledged in any petition for partition, in case the same are controverted.

Mode of entering up judgment.

verse party shall recover against the petitioner his reasonable cost ; notwithstanding Judgment may be rendered in favour of the petitioner, to have an assignment of such part of the real estate in severalty, as he, *in fact*, holds in common and undivided.

Either party
may appeal.

And be it further Enacted by the Authority aforesaid, that either party may appeal from the Judgment of the Court of Common Pleas, *that partition shall be made*, to the Supreme Judicial Court, before the appointment of freeholders to make partition : But if no appeal is made untill after the return of the freeholders, and the Judgment of the Court thereon, the Judgment, *that partition shall be made*, shall not by such appeal, be again called in question. And the Supreme Judicial Court, shall, upon the complaint of the Appellee, (in case the Appellant shall fail to enter, or prosecute his appeal) affirm the former Judgment, and cause such other proceedings to be had thereon, as to have partition compleated in the same way and manner as if the proceedings had been originally commenced in that court.

Trial of the fact
by a Jury, how
determined.

Provided always, that the trial of the fact, by a Jury, whether the petitioner holds in common, in the same proportion he alledges in his petition, or in any lesser proportion, shall be determined in the County where the lands lie, unless the parties shall expressly agree to the contrary ; in which case, the trial by Jury may be had in such County as the parties agree upon.

Rule and regu-
lations respect-
ing an appeal.

And be it further Enacted by the authority aforesaid, that in all *actions of partition* that shall be hereafter commenced, the same rule and regulations shall take place, with respect to an appeal from an interlocutory Judgment of the Court of Common Pleas, *that partition shall be made*, as is herein before prescribed, upon the like Judgment upon a petition for partition ; any former Law, usage or custom to the contrary notwithstanding.

February 14, 1787.

1786. — Chapter 54.

[January Session, ch. 4.]

Chap. 54 AN ACT MAKING PERPETUAL, AN ACT RESPECTING THE GRAMMAR SCHOOL, IN IPSWICH, IN THE COUNTY OF ESSEX.

Preamble.

Whereas a Law respecting the said School, was enacted in the year one thousand seven hundred and sixty five, to

be in force for the term of twenty one years, from the first day of March, One thousand seven hundred and sixty six, which Law has been found beneficial, and to answer the purposes for which it was enacted :

Be it therefore Enacted, by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That the said Law, entitled, “ An Act for regulating the grammar School in Ipswich, in the county of Essex, and for incorporating certain persons to manage and direct the same,” Be and hereby is made perpetual.

Enacting clause.

February 14, 1787.

1786. — Chapter 55.

[January Session, ch. 5.]

AN ACT FOR REGULATING THE PROCEEDINGS ON PROBATE BONDS, IN THE COURTS OF COMMON LAW; AND DIRECTING THEIR FORM, IN THE SUPREME COURT OF PROBATE.

Chap. 55

Whereas every Judge of the Probate Court, upon granting Letters of Administration, upon the estate of any person deceased, is by law directed to take bond to himself, and his successor in office; and upon putting such bond in suit, judgment has been always given in the name of the Probate Judge of the County, for the time being, only; and the having such a judgment satisfied by levying execution issued thereon, upon the real estate of the debtor, when personal property cannot be found sufficient to satisfy the same, is attended with manifest inconveniences :

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when it shall satisfactorily appear, upon a hearing in chancery on an administration bond, for whose particular use and benefit, the money for which execution issues, is to enure; the judgment shall be rendered, that the Plaintiff in his said capacity (naming him) now have execution for

Manner of rendering judgment.

being part of the penalty forfeited, and costs taxed at for the use of A. B. of C. in the County S. (addition) a creditor, or heir of E. F. deceased, (as the case may be). And the person, to whose use, judgment shall be rendered, in the name of the Judge of Probate as aforesaid, may sue out execution thereon, and have the same levied on personal or real estate, as he may find it necessary; and shall be deemed, and taken to be the creditor to every intent

and purpose whatever. And when there are several persons, to whose use the monies recovered on an administration bond, are to enure, there shall be as many separate and distinct judgments, in form aforesaid.

And as a directory, for what sum execution ought to be awarded, upon an administration bond, when it shall appear upon concession, verdict, demurrer, or otherways, that the penalty is forfeited; and also that administration bonds, may not upon frivolous pretences, be put in suit:

Executions upon
administration
bonds, &c. how
awarded.

Be it further enacted by the authority aforesaid, That when the suit is instituted at the desire of a creditor of the deceased, such creditor must first have his debt or damages ascertained, by judgment of Court, (unless the estate is insolvent) and likewise make it appear, that a demand has been made of the administrator therefor; and that the administrator has refused or neglected to satisfy the same; or to shew goods or estate of the deceased for that purpose. When the estate is insolvent, the creditor must produce a copy of the order of distribution of the estate of the deceased, among the creditors, particularly specifying each creditor's claim, and the dividends they are severally intitled unto; and that a demand has been made of the administrator, for his particular dividend. When an heir has the suit brought for his part of the personal estate, he must exhibit a copy of the decree of the probate Court, ascertaining its *quantum*; and that he has made a demand thereof upon the administrator. And in the preceding instances the writ, in addition to the usual indorsement of the name of the plaintiff or his Attorney, shall also have the name of the person or persons, for whose particular use and benefit the suit is brought, wrote thereon. And when the administrator shall refuse or neglect to account upon oath, for such property of the intestate, as he has received, especially if he has been cited by the probate Court, for that purpose, execution shall be awarded against him, for the full value of the personal property of the deceased, that has come to his hands, without any discount, abatement or allowance, for charges and expences of administration or debts paid. And when it shall appear that the administrator shall have received the personal property of an intestate, and shall not have exhibited upon oath, a particular inventory thereof, execution shall be awarded against him, for the whole penalty of such administration bond, to be distrib-

uted among the parties interested, agreeably to the directions of law. The like judgment, and proceedings, (so far as they can with propriety take place) are to be had upon bonds of executors, guardians and others, given to the Judges of the probate Courts, in their said capacity.

And be it further enacted by the authority aforesaid, That all suits hereafter brought in the name of any Probate Judge, upon a probate bond of any kind, shall be originally commenced in the Supreme Judicial Court, held within, or for the County, unto which the said Probate Judges respectively belong.

Suits hereafter brought, how commenced.

And be it further enacted by the authority aforesaid, that all bonds given in the supreme Court of Probate, by executors, administrators or guardians, for the faithful discharge of their respective trusts, shall be to the Commonwealth of *Massachusetts*, for the use and benefit of the creditors, heirs, legatees, or wards, as the nature of the bond shall require. And all bonds already taken in the said Supreme Court of Probate, in that manner and form, are hereby declared to have been rightly taken. And when bonds taken in the Supreme Court of Probate, in form aforesaid, shall be put in suit, the permission of the said Court, shall be first had therefor: and all such suits shall be originally commenced in the Supreme Judicial Court, and the same species of judgment and modes of chancery shall be had thereon, as in this act is prescribed and directed to be had, upon bonds given to the Judge of any Probate Court, in similar cases.

Bonds given in the Supreme Court of Probate, shall be to the Commonwealth.

And be it further enacted by the authority aforesaid, That when judgment shall be rendered upon any Probate Bond, against the obligors, their executors or administrators, and the party or parties against whom such judgment shall be rendered, shall by law be entitled to a review thereof, execution shall be suspended, or stayed in such Counties as have but one Supreme Judicial Court annually, for the space of six kalender months, to commence on the day of rendering the judgment; and in such Counties as have two Supreme Judicial Courts annually, execution shall be suspended until the next term or sitting thereof, in the same County, to the end, the said obligors, their executors, or administrators, may (if they see cause) review the same; and if a writ of review shall not be taken out and served, for reversing the said judgment, within the time aforesaid, such obligors, their executors

When judgment shall be rendered upon any probate bond, and the party shall be entitled to a review, execution shall be suspended, &c.

and administrators, are hereby forever precluded and barred, from taking out or prosecuting a writ of review, upon such judgment afterwards, and execution may issue thereon, any thing contained in the Act granting to parties the privilege of reviewing within three years, notwithstanding. And when the judgment reviewed, shall be in the name of the Commonwealth, the service of the writ of review shall be made, by reading the same, or leaving a copy thereof with the party or parties, unto whose use and benefit, the same judgment enures, if he or they reside within the Government, otherwise with the agent or attorney, who prosecuted the suit, fourteen days at least before the sitting of the Court, where the writ is returnable.

February 15, 1787.

1786. — Chapter 56.

[January Session, ch. 6.]

Chap. 56 AN ACT, DESCRIBING THE DISQUALIFICATIONS TO WHICH PERSONS SHALL BE SUBJECTED, WHO HAVE BEEN, OR MAY BE GUILTY OF TREASON, OR GIVING AID OR SUPPORT TO THE PRESENT REBELLION, AND TO WHOM A PARDON MAY BE EXTENDED.

Preamble.

Whereas the General Court, at their present sessions, have “ Resolved, That the Governor be authorized and empowered, in the name of the General Court, to promise a pardon, under such disqualifications as should thereafter be provided, to such private soldiers and others, who might have acted in the capacity of non-commissioned Officers, as had been, or were in arms against the Commonwealth, with such exceptions as he, or the General Officer, commanding the troops, might judge necessary, provided they should deliver up their arms, and take and subscribe the oath of allegiance to this Commonwealth, within such time as might be limited by his Excellency, for that purpose: ”

And whereas it is fit and expedient, that the conditions and disqualifications upon which the pardon and indemnity to the offenders aforesaid, should be offered and given, should, as soon as possible, be established and made known :

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no pardon or indemnity, shall be promised as aforesaid by the Governor, by virtue of any act or resolve of the General Court, that has been or shall be passed,

No pardon shall be promised to any person or persons, unless they deliver up

to any person or persons, who have acted in the capacity of non-commissioned Officers or privates, or persons of any other description, who, since the first day of *August*, seventeen hundred and eighty six, have been, now are, or hereafter may be in arms against the authority and Government of this Commonwealth, or who have given or may hereafter give them counsel, aid, comfort or support, voluntarily, with intent to encourage the opposition to Government, unless they shall on or before such time as the Governor shall limit for that purpose, deliver up their arms to, and take and subscribe the oath of allegiance, before some Justice of the Peace, within some County of this Commonwealth; and no pardon or indemnity shall be offered or given by the Governor to any of the Offenders aforesaid, who are not Citizens of this State.

their arms and
subscribe the
oath of alle-
giance within
the time limited.

And be it further Enacted by the authority aforesaid, that to whomsoever of the Offenders aforesaid, the Governor shall think fit, by virtue of any Act or resolve of the General Court, to promise a pardon and indemnity, for the Offences aforesaid, it shall be under the following restrictions, conditions and disqualifications, *that is to say*, That they shall keep the peace for the term of three years, from the time of passing this Act, and that during that term of time, they shall not serve as Jurors, be eligible to any Town-Office, or any other Office under the Government of this Commonwealth, and shall be disqualified from holding or exercising the employments of School masters, Innkeepers or retailers of Spirituous liquors, or either of them, or giving their votes for the same term of time, for any Officer, civil or military, within this Commonwealth, unless such persons, or any of them, shall after the first day of *May*, seventeen hundred and eighty eight, exhibit plenary evidence of their having returned to their allegiance, and kept the peace, and that they possess an unequivocal attachment to the Government, as shall appear to the General Court a sufficient ground to discharge them, or any of them, from all or any part of the disqualifications aforesaid.

Conditions and
disqualifica-
tions.

Be it further Enacted by the Authority aforesaid, that it shall be the duty of the Justice before whom any Offender or Offenders aforesaid may deliver up their arms, and take and subscribe the oath aforesaid, and he is accordingly directed, immediately on the expiration of the term to be limited by the Governor as aforesaid, to

Duty of the
Justices before
whom offenders
may deliver up
their arms, &c.

certify to the Clerks of the several Towns, Districts, and Plantations, whereunto the offenders may belong, the names of all such who shall deliver up their arms and take and subscribe the oath aforesaid, and shall also, as soon as may be after the expiration of the said term, make a return to the Secretary of this Commonwealth, of the number of arms in his possession, and to whom they belong, and shall at the same time lodge with the Secretary, their original subscription to the oath of allegiance; and it shall be the duty of the Justice to require such as shall take and subscribe the oath of allegiance, to subjoin to their names, their places of abode, and their additions, and if required, to give to each Offender who shall deliver up his arms, and take and subscribe the oath aforesaid, a Certificate of the same under his seal; and he shall be intitled to ask and receive *nine pence*, of the Offenders, for each Certificate. And any Justice of the Peace to whom any arms may voluntarily be delivered as aforesaid, shall certify to the Major General or commanding Officer, of the Division, in which the said Justice may live, the number of arms so delivered to him, and by whom they were delivered; and it shall be the duty of such Major General or commanding Officer, to give such directions as he may think necessary, for the safe keeping such arms, in order that they may be returned to the person or persons who delivered the same, at the expiration of the said term of three years, in case such person or persons shall have complied with the conditions above mentioned, and shall obtain an order for the re-delivery of such arms, from the Governor, who is hereby authorized and empowered to make such order, unless it appears to him, that the conditions aforesaid have not been complied with.

Penalty for voting, &c. after being disqualified.

Be it further Enacted by the authority aforesaid, that if any Offender or Offenders aforesaid, who shall deliver up their arms and take and subscribe the oath of allegiance, as aforesaid, or to whom a pardon may be promised by virtue of any future Act or Resolve of the General Court, shall vote, or offer to vote in any Town or other meeting, for any Office, civil or military, within the Commonwealth, or shall make, forge, or alter any Certificate of a Justice, of his having delivered up his arms, and taken the oath of allegiance as aforesaid, he shall forfeit all his right and interest in and to the pardon

and indemnity which may be promised him, by virtue of the authority aforesaid, and be subject to the same pains and penalties, as if such promise had never been made.

And be it further Enacted by the Authority aforesaid, That the Governor be, and he hereby is authorized and empowered, to promise a pardon of their past offences, unconditional, and without any disqualifications, to all such privates, as have borne arms against the Government of this Commonwealth, who afterwards voluntarily took up arms previously to the first day of *February* current, in support of the said Government, and to those, who agreeably to the proposals of General *Lincoln*, of the twenty ninth and thirtieth of *January* last, voluntarily came in, surrendered their arms, and took and subscribed the oath of allegiance, within three days, from the said twenty ninth day of *January*, any thing in this Act to the contrary notwithstanding: *Provided*, that no pardon which shall be promised by the Governor, shall be construed to extend to indemnify any person or persons whatever, from any suits or prosecutions, to which they may be liable, for injuries done or committed, to the property or person, of any individual.

Governour empowered to promise pardon, unconditional, to certain privates.

Proviso.

Be it further Enacted by the authority aforesaid, that it is the duty of all Officers civil and military, within this Commonwealth, to hold all offenders as aforesaid, who shall not within the term to be limited as aforesaid, deliver up their arms, and take and subscribe the oath of allegiance, as Rebels and open enemies, and they are directed and required, to encounter, pursue, conquer, apprehend, and secure them, so that they may be brought to trial and punishment; and all the Citizens of this Commonwealth are hereby required to aid and support the said Officers, in the execution of their said duty.

Those who do not deliver up their arms, and take & subscribe the oath of allegiance, shall be held as rebels and open enemies.

And be it further Enacted, that the Governor be, and he hereby is requested, to except out of the pardon he shall promise, by virtue of the Resolve abovementioned, all those who have been members of any General Court in this State, or of any State or County Convention, or who have been employed heretofore in any commissioned Office civil or military, those, who after delivering up their arms, and taking the oath of allegiance during the present rebellion, have again taken and borne arms against the Government; those who have fired upon, or wounded any of the loyal subjects of this Commonwealth; those

Governour requested to except certain persons out of the pardon.

who have acted as Committees, Counsellors or advisers to the Rebels; and those, who in former years have been in arms against the Government, in the capacity of Commissioned Officers, and were afterwards pardoned and have been concerned in the present rebellion.

Town-Clerks
directed to read
this act.

And be it further Enacted by the Authority aforesaid, that the Clerks of the several Towns, Districts and Plantations, be directed to read this Act at the opening of their annual meetings in *March* and *April* next.

February 16, 1787.

1786. — Chapter 57.

[January Session, ch. 7.]

Chap. 57 AN ACT FOR THE MORE SAFE KEEPING THE RECORDS OF THE SEVERAL COURTS OF JUSTICE, AND THE RECORDS OF DEEDS WITHIN THIS GOVERNMENT.

Clerks of the
Supreme Judi-
cial Court, here-
after appointed,
shall give bond
to the Treasurer
or Receiver Gen-
eral.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, that each Clerk of the Supreme Judicial Court, that may hereafter be appointed to that Office, shall before he enter upon the duties thereof, give bond to the Treasurer and Receiver General of this Commonwealth, in a sum, not less than *One hundred*, and not more than *five hundred pounds*, at the discretion of the said Supreme Judicial Court, with one or more sufficient sureties, for the faithful discharge of that trust, and to keep up the Records of the said Court, or such part thereof, as shall by the said Court be assigned him, seasonably and in good order: and also to make and keep convenient and correct alphabetts, to the said Records.

Clerks of the
Courts of Ses-
sions and Com-
mon Pleas, Reg-
isters of Pro-
bate, &c. shall
give bond to the
County Treas-
urer.

And be it further Enacted by the Authority aforesaid, That the Clerks of the several Courts of General Sessions of the Peace, and of the several Courts of Common Pleas, and the Registers of the several Probate Courts, the Registers of the maritime Court, or Court of Admiralty, within this Government, that may hereafter be appointed to that Office, shall before they enter upon the duties of their said respective Offices, severally give bond to the Treasurer of the County to which they severally belong, in a sum not less than *fifty* or more than *three hundred pounds*, at the discretion of the Court to which they Officiate, with one or more sufficient sureties, for the faithful discharge of their trust; and for keeping up sea-

sonably and in good order the Records of the same Court ; and also to make and keep convenient and correct alphabets of the Records of which they shall respectively be appointed Officers and keepers.

And be it further Enacted by the authority aforesaid, That the Clerks and Registers of the several Courts aforesaid, that have not given bond, (if any such there be) agreeably to an Act passed in the year One thousand seven hundred and sixty three, are hereby directed and enjoined to give bond in manner as is herein before directed, at the first session of the Court of which he is Clerk or Register, that shall be held after the passing this Act ; and any Clerk or Register that shall neglect to give bond as aforesaid, or after giving such bond, shall incur a forfeiture thereof, shall be, and hereby is declared incapable of sustaining or holding the said Office : and if either of the said Clerks or Registers shall have neglected to compleat his Records, for more than six months at any one time, after the first day of *June* next (sickness or any extraordinary casualty excepted) such neglect shall be adjudged a forfeiture of the bond of such Clerk or Register.

Clerks that have not given bond agreeably to a former law, directed to give bond in manner before directed.

Penalty for neglect.

And to render this Act more effectual for the said purposes :

Be it further Enacted by the Authority aforesaid, That the Justices and Judges of the said several Courts, are hereby required and directed, to inspect the conduct of their several Clerks and Registers with respect to the Records aforesaid, and upon a deficiency therein, such Judge and Justices shall give information thereof, in writing, to the Treasurer, who has the Delinquent's bond in keeping ; which Treasurer shall forthwith put the same in suit ; and the money recovered on such suit, shall be applied for bringing up the deficient Records, under the direction of the respective Judge or Judges of the Court, where such deficiency shall happen, and if there be a surplusage from the bond of a Clerk of any of the lower Courts after making up the Records, the same shall enure to the use of the County whereof the Plaintiff is Treasurer ; and if in the Supreme Judicial Court, such surplusage shall enure, to the use of the Commonwealth : and if the penalty of the bond incurred, shall be insufficient to make up the deficient Records, the Estate of the deficient Clerk or Register, shall be liable for the residue.

Justices and Judges required to inspect the conduct of their several Clerks.

And whereas the Court of General Sessions of the Peace,

in their several Counties, are by Law authorized to remove and displace the Register of Deeds, for misconduct in the discharge of his duty, but no particular method is pointed out, in what manner the Court of General Sessions of the Peace are to cause the same to be done :

The method Courts of General Sessions shall proceed in displacing any Register of deeds for misconduct.

Be it therefore Enacted by the authority aforesaid, That when any Register of Deeds, upon the presentment of the Grand Jury, or information of the Attorney General, or the person acting for the Government in the same Office, shall by confession, demurrer, verdict, or by neglecting to appear and answer, after reasonable notice, be found guilty of misconduct or misbehaviour in discharging the duties of his said Office, or that by reason of infirmity of body or mind, he is incapable of discharging aright, in person, the duties thereof; the said Court shall enter up Judgment thereon (and from whence no appeal shall lay) that the same Register be removed and displaced from the said Office; and thereupon issue a Writ to the Sheriff of the same County, to take the Books and papers to the said Office belonging, and them deliver over to the Clerk of the Court of Common Pleas, to be by him carefully kept, until a Register shall be duly chosen and qualified as the Law directs.

February 16, 1787.

1786. — Chapter 58.

[January Session, ch. 8.]

Chap. 58 AN ACT ESTABLISHING THE RIGHT TO, AND THE FORM OF THE WRIT *DE HOMINE REPLEGIANDO*, OR WRIT FOR REPLEVING A MAN.

Persons imprisoned, shall be entitled, as of right, to the writ *de homine replegiando*,—unless, &c.

Be it Enacted by the Senate, and House of Representatives, in General Court assembled and by the Authority of the same, that every person within this Commonwealth, who shall be imprisoned, confined, or held in duress, shall be intitled as of right, to the Writ, de homine replegiando, and to be thereby delivered; unless while the writ of habeas corpus is suspended, by the Legislature, he shall stand committed by the special order of the Supreme Executive power of the State, as dangerous to the publick safety, or by the same, or by some subordinate authority of the Government, for treason, the death of man, counterfeiting the common currency, house-burning, burglary, robbery, or some other offence, for which, if he is convicted, he may suffer death or banishment, or

unless he is held in Execution, upon Judgment of debt, forfeiture, withernam, or by distress for taxes, or under sentence, after conviction, for fine, costs, or in punishment.

And where any person stands committed by lawful authority, for any crime, for which he may not suffer death, or otherwise than is above in this Act specified, the Writ shall be in form following, *viz.*

Commonwealth of *Massachusetts.*

[L. s.] S — ss.

To the Sheriff of our County of S.

Greeting.

We command you, that justly and without delay, you cause to be replevied, *C. D.* who, (as it is said) is taken and detained in our Goal in *N.* within our said County of *S.* by the commitment of *A. B.* that he the said *C. D.* may be at our Supreme Judicial Court, next to be holden at _____, within our County aforesaid, upon the _____ Tuesday of

next, then and there in our said Court, to answer to all such things, as shall be then and there objected against him, more especially, for the Offence for which he stands committed, unless while the right of *habeas corpus* is suspended by the Legislature, he stands committed, by the Supreme Executive power of the State, as dangerous to the public safety, or by the same, or some subordinate authority of the Government, for treason, the death of man, counterfeiting the common currency, house-burning, burglary, robbery, or some other Offence, whereof if he is convicted, he may suffer death, or banishment; or unless he is holden under execution upon Judgment, for debt, forfeiture, or in withernam, or by distress for taxes, or under sentence, after conviction, for fine, or costs, or in punishment. Witness *W. C.* esqr; at _____, the

day of _____, in the year of our LORD

L. M. Clerk.

And where the Plaintiff is held without order of law, the Writ shall be in form following, *viz.*

Commonwealth of *Massachusetts.*

[L. s.] S — ss.

To the Sheriff of our County of S.

Greeting.

We command you, that justly and without delay, you cause to be replevied, *C. D.* who, (as it is said)

Form of the writ where any person stands committed by lawful authority.

Form of the writ where the plaintiff is held without order of law.

is taken and, detained in a place, called *N.* within our said County of *S.* by the duress of *G. H.* that he the said *C. D.* may appear at our Court of Common Pleas, next to be holden at _____, within and for our said county of *S.* upon the _____ Tuesday of _____ next, then and there in our said Court to demand right and Justice, against the said *G. H.* for the duress and imprisonment aforesaid, and to prosecute his replevin as the law directs: provided, that if he the said *C. D.* is held by the said *G. H.* as his Ward, Infant, or one to whose service he is intitled, or as a principal, to whom the said *G. H.* is bail, and he shall make you secure, by good and lawful mainpernors, for his appearing at our Court aforesaid, to prosecute his replevin against the said *G. H.* and to have his body at the same Court, ready to be re-delivered if ordered thereunto, and to pay all such damages and costs as shall be then and there awarded against him; then, and not otherwise, you are to deliver him; and if the said *C. D.* is by you delivered, at any day before the sitting of our said Court, you are to summon the said *G. H.* by serving him with an attested copy of this Writ, that he may appear at our said Court, to answer unto the said *C. D.* upon his replevin. Witness *T. N.* Esqr; at *B.* the _____ day of _____ in the year of our LORD,

X. Y. Clerk.

Clause respecting the returns of the writ.

And be it Enacted, that if the Plaintiff stands committed for any crime, not before in this Act mentioned, or for any other offence, whereof, if he is convicted, he may not have sentence of death or banishment, thereof passed upon him, he shall have his Writ from the Clerk of the Supreme Judicial Court, fourteen days before the return day of the same, and the same Writ shall be made returnable in the same County, where the imprisonment happens, and unto the next Supreme Judicial Court, to be there holden; but if he is held by any person, without due order of Law, he shall have his Writ from the Clerk of the Court of Common Pleas, of the County wherein he is held, returnable fourteen days, at the least, from the day of the date; and where the Plaintiff is delivered by a Writ, returnable into the Supreme Judicial Court, having been committed for any offence, and from which commitment he is replevisable, he shall, before he is delivered,

recognize before the Sheriff of the County, in person, with sufficient surety or sureties, in a reasonable sum, for his appearance at the same Court, to answer, abide and perform the order and sentence of the same : which recognizance shall be returned into Court, by the Sheriff ; and when the Plaintiff shall be delivered by a Writ returnable into the Court of Common Pleas, he shall before his deliverance, give bond to the use of the Defendant, with sufficient surety or sureties, at the discretion of the Sheriff, to appear at the Court, to which the Writ is returnable, and there to prosecute his replevin against the Defendant, to have his body there ready to be re-delivered, as the Court shall order, and to pay all damages and costs, that may be awarded against him ; and the Sheriff shall be answerable, if the sureties shall prove insufficient, unless they are such as the Defendant agrees to.

And it is further Enacted, that if the Plaintiff shall not prosecute, or in prosecuting, shall be unable to support his replevin, then the Defendant shall recover his reasonable costs : And if it shall be found upon the trial, that the Plaintiff is the Ward or Infant of the Defendant, or that he the said Defendant, is intitled to the service of the Plaintiff, or that the Defendant is bail to the Plaintiff, then the Defendant shall have Judgment against the Plaintiff, for a re-delivery of his body and for such damages, as the Jury shall assess against the Plaintiff, with reasonable costs.

And it is further Enacted, that if the Sheriff shall return upon the Writ, *de homine replegiando*, issuing from the Court of Common Pleas, that the Defendant hath elained the Plaintiff's body, so that he cannot deliver him, then the Plaintiff shall on motion of the Court, have a *capias* in Withernam, to take the Defendant's body, and to keep the same, untill he shall produce the Plaintiff, to be delivered, according to the commandment of the original Writ.

Provided nevertheless, that if the Defendant shall give full and sufficient bail, for his appearance at the Court whereunto the Writ is returnable, then and there to traverse the return of the Sheriff, upon the Writ *de homine replegiando*, that the Sheriff shall take such bail ; or if the Defendant cannot procure such bail, and is thereupon committed by the Sheriff, he may nevertheless at the next term (and not afterwards) be allowed to traverse the

Plaintiff to recognize, &c.

If the plaintiff shall not prosecute, or is unable to support his replevin, the defendant shall recover costs.

If the Sheriff shall return upon the writ, that the defendant hath elained the plaintiff's body, the plaintiff shall have a *capias* in withernam, to take the defendant's body.

Proviso.

Sheriff's return of elongation, or to plead any matter of justification, in the same manner as he might have done, to the original replevin: And if the Jury shall not find that he is guilty of aloining the Plaintiff, as set forth in the return, or if they find that the justification is supported, the Defendant shall be allowed his costs, against the Plaintiff; but if the Defendant will not traverse the return, and put himself upon the County, or if upon traversing the same, he shall be found guilty of the elongation of the Plaintiff; or if upon pleading a justification, he shall not support the same, then the Court shall order him into the custody of the Sheriff, and shall issue an alias Writ of Withernam to hold him, untill he shall produce the body of the Plaintiff, or untill he can prove that the Plaintiff is dead; which fact may be tried at any term of the same Court, and in the same County, by a Jury, upon the information, and at the expence of the Defendant.

And it is further Enacted, That the original Writ of Withernam, shall be in form following, *viz.*

Commonwealth of *Massachusetts*.

[L. S.] S — ss.

To the Sheriff of Our County of S

Greeting.

Form of the
original writ of
withernam.

Whereas WE have heretofore by Our Writ *de homine replegiando*, commanded you, that justly and without delay [*here the original Writ, de homine replegiando, shall be recited*] and you having returned thereupon, [*here the Sheriff's return shall be recited*] WE therefore command you, that without delay, you take the body of the said *G. H.* if he may be found in your Precinct, and him safely keep, so that he may be at our Court of Common Pleas, next to be holden at _____, within and for Our said County of *S* _____, on the _____ Tuesday of _____ next, then and there in our said Court, to traverse the return aforesaid, upon our original Writ *de homine replegiando*, and that if he shall be found guilty of the elongation of the said *C. D.* he may be held by our alias Writ of Withernam, untill he shall produce the body of the said *C. D.* that he may be delivered as the law directs. Witness *T. N.* Esqr; at *B* _____, the day of _____ in the year of LORD,

X. Y. Clerk.

And the alias Writ of Withernam, shall be in form following, *viz.*

Commonwealth of *Massachusetts*.

[L. S.] S — ss.

To the Sheriff of Our County of S

Greeting.

Whereas We commanded you, by our original Writ *de homine replegiando*, that, [*here the original Writ de homine replegiando, shall be recited*] upon which Writ a return was made, that, [*here the return shall be recited*] whereupon Our Writ of *Withernam* was duly issued, commanding you, that [*here the Writ of Withernam shall be recited*] and at our said Court the said *G. H.* [*here all the consequent proceedings shall be recited*] whereupon, it was considered and adjudged by our said Court, that the body of the said *G. H.* should be taken and held, untill he shall produce the body of the said *C. D.* and untill he shall pay the sum of taxed in costs, against him: We therefore command You, that you take the body of the said *G. H.* into your custody, and him there to hold irreplevisably, in one of our Goals in our said County of *S* , untill he shall produce the body of the said *C. D.* or is discharged by order of law. Witness Esq; at *B* , the day of in the year of our LORD Clerk.

Form of an alias writ.

And be it further Enacted, that in any stage of the proceedings upon process, pursuant to this Act, any person shall be permitted to appear for the plaintiff, who will stipulate as the Court shall direct, for the payment of all costs and damages, that may be awarded against the Plaintiff, although he can produce no special power for that purpose.

Any person permitted to appear for the plaintiff, who shall stipulate as the Court shall direct, &c.

February 19, 1787.

1786. — Chapter 59.

[January Session, ch. 9.]

AN ACT FOR THE MORE SPEEDY AND EFFECTUAL SUPPRESSION OF TUMULTS AND INSURRECTIONS IN THE COMMONWEALTH.

Chap. 59

Whereas in a free Government, where the people have a right to bear arms for the common defence, and the military power is held in subordination to the civil authority, it is necessary for the safety of the State, that the virtuous citizens thereof should hold themselves in readiness, and when called upon, should exert their efforts to support the civil Government, and oppose the attempts of factious and wicked

Preamble.

men, who may wish to subvert the Laws and Constitution of their Country; and whereas a delay in suppressing tumults and insurrections, in Diverse Counties of the State, has been attended with alarming consequences, such tumults and insurrections having lately grown into the unnatural and dangerous Rebellion, which now exists in the Commonwealth: for the prevention of like consequences in future:

Duty of civil officers in case of an insurrection.

Governour requested to exercise the powers vested in him by the constitution.

Be it Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, That whenever an Insurrection shall have taken place in either of the Counties of the Commonwealth, to obstruct the Course of Justice, or the due execution of the Laws, or there is reason to apprehend that a dangerous Insurrection for such purposes will be excited, it shall be the duty of the civil Officers, in such County, as well the Sheriff, as the Justices of the several Courts of Judicature, within such County, immediately to give information thereof to his Excellency the Governor, for the time being; who is hereby requested, thereupon, to exercise the powers vested in him by the Constitution, and to give immediate directions to the Major General, or commanding Officer of the Division, where such insurrection exists or is apprehended, and if he shall think it necessary, to the Major General or commanding Officer of any other Division or Divisions, to detach from his or their Division or Divisions, such part of the militia for the support of the civil authority, as he shall judge fully adequate for that purpose, and for the apprehension and safe keeping of those who may be concerned in such insurrection.

If in the opinion of the Sheriff or any two Justices, it is necessary a force should be instantly raised, they shall certify the same to the Major-General, &c.

And Be it further Enacted by the authority aforesaid, that if in the opinion of the Sheriff, or any two of the Justices, either of the Supreme Judicial Court, or the Court of Common Pleas, in any of the Counties of this Commonwealth, it shall be necessary for the suppression of any insurrection existing or apprehended, as aforesaid, in such County, that a force shall be instantly raised and called forth for that purpose; and if by reason of distance, the necessary aid cannot be obtained by order of the Commander in Chief; it shall be the duty of such Sheriff or Justices, to certify the same under his or their hand, to the Major General or commanding Officer of the Division, wherein such County lies, or to the commanding Officer of some Regiment or corps in the vicinity, and to request

him or them to detach the whole, or such number of the militia under the command of such Officer, for the support of the civil authority, as the said Justices or Sheriff may think necessary, to defeat the purposes of such Insurgents, and to apprehend and safely keep them for tryal, and as soon as may be to give notice of such application to the Commander in Chief, that he may take the necessary orders thereupon; and it shall be the duty of such Major General or Commanding Officer, upon such request being made, to detach such number of the militia as shall be requested as aforesaid, armed and equipped according to law; and the militia so detached and collected shall afford their assistance to, and be under the direction of the civil Officer or Magistrate, unless in case of Rebellion declared by the Legislature.

Duty of such
Major-General.

And be it further Enacted by the Authority aforesaid, that if any commissioned Officer of the militia, shall refuse, or wilfully neglect to execute any orders, he may receive from his superior Officer, to make a detachment from the corps under his command, or to march for the support of the civil Authority, or the suppression of any Insurrection as aforesaid, in addition to the punishment which may be inflicted by virtue of any Act for regulating the militia, if convicted thereof before the Justices of the Supreme Judicial Court, he shall be subject to be fined in a sum not exceeding *fifty pounds*, and to be adjudged incapable of sustaining any Office in this Commonwealth, for a term not exceeding ten years; to either or both of the said Penalties, according to the aggravation of the offence, and circumstances of the offender, as to the Justices of the said Court shall seem meet.

Punishment, if
officers of the
militia refuse to
execute orders.

And be it further Enacted, that if any person, whether non-commissioned Officer or private, and belonging either to the train band or the alarm list, who shall be detached or ordered to march for the support of the civil Authority, or the suppression of any Insurrection, existing or apprehended as aforesaid, shall refuse or neglect to march, armed and equipped, in the manner, and at the time, which the Officer by whom he shall be detached shall direct, or shall desert or leave the service before he shall be regularly discharged, if convicted thereof before the Justices of the Supreme Judicial Court, he shall be subject to be fined at the discretion of the said Court, in a sum not exceeding *ten pounds*.

Penalty if non-
commissioned
officers or pri-
vates refuse or
neglect to march,
&c.

Penalty for dissuading any military officer, &c. from the duty required of him.

And be it further Enacted by the Authority aforesaid, that if any person in public or private discourse or conversation, or by any ways or means, shall dissuade or endeavour to prevent any military Officer from performing the duty required of him by this Act, or any person or persons detached or ordered to march for the purposes aforesaid, from marching to the place of rendezvous, or from continuing in the service until regularly discharged, each person so offending, being convicted thereof as aforesaid, shall pay a fine to the use of the Commonwealth, not exceeding *fifty pounds*, and shall recognize for his good behaviour for a term not exceeding three years.

Compensation shall be made to the militia.

And be it further Enacted by the authority aforesaid, that compensation shall be made to such part of the militia, as may at any time hereafter be detached or employed agreeably to, and for the purposes mentioned in this Act.

February 20, 1787.

1786. — Chapter 60.

[January Session, ch. 10.]

Chap. 60 AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF DARTMOUTH, IN THE COUNTY OF BRISTOL, INTO A SEPERATE TOWN, BY THE NAME OF NEW BEDFORD.

Boundaries.

Be it Enacted by the Senate, and House of Representatives, in General Court assembled, and by the Authority of the same, That the lands hereafter described, *to wit*, beginning at a Bridge lying across a stream that runs through the beach, by a place called *Clark's Cove*, thence running northerly as the main branch of the stream runs, till it comes to a little Bridge lying across the Country road, at the foot of a hill about twenty rods to the eastward of the dwelling house, where *James Peckman*, deceased, last dwelt; thence northerly on a streight line to *Nathaniel Spooner's* Saw Mill; from thence northerly on the west side of *Bolton's* cedar Swamp, till it comes to the dividing line between *Dartmouth* and *Freetown*, near the place called *Aaron's* causeway; thence east twenty two degrees and one half north, in the dividing line between said towns, to a Rock, known by the name of *Peaked Rock*; thence southerly by the Country road that leads from *Dartmouth* to *Boston*, one hundred and eight rods, to the south-west corner of *Ebenezer Lewis's* homestead farm; thence east about three hundred rods in the dividing line,

between *Rochester* and *Dartmouth*, to a large white-pine tree, marked on three sides; thence south six degrees and one half east, in the dividing line, between *Dartmouth* and *Rochester*, to a heap of Stones by the sea; thence westerly, to the first mentioned bounds; with all the Islands heretofore known to be a part of *Acquashnot* village, with the inhabitants dwelling on the lands above described, be, and they are hereby incorporated into a Town by the name of *New Bedford*: and the said Town is hereby invested with all the powers, priviledges and immunities, to which Towns within this Commonwealth are, or may be intitled, agreeably to the Constitution and laws of the said Commonwealth.

Vested with powers, &c.

Provided nevertheless, And be it further Enacted, that any of the inhabitants now dwelling on the above described lands, who are or may be still desirous of belonging to the Town of *Dartmouth*, shall at any time, within two years from the passing this Act, by returning their names into the Secretary's Office, and signifying their desire of belonging to said *Dartmouth*, have that priviledge; and shall with their polls and estates belong to, and be a part of the said *Dartmouth*; they paying their proportion of all taxes, which shall have been laid on the said Village of *Acquashnot*, or town of *New Bedford*, previously to their thus returning their names, as they would by law have been holden to pay, had they continued, and been a part of the Town of *New-Bedford*.

Proviso.

Be it Enacted by the authority aforesaid, That the inhabitants of the said town of *New Bedford*, shall pay all the arrears of taxes, which have been assessed upon them, and their proportionable part of what remains unpaid of the Beef tax, so called, together with their proportion of all debts, that are now due from the said Town of *Dartmouth*, and shall support their own poor.

Inhabitants shall pay all arrears of taxes, &c.

Be it enacted by the Authority aforesaid, that the public lands, and the buildings standing thereon, also the town's stock of Powder, and other Town's property, shall be estimated and divided in the same proportion, that each Village paid in the last State Tax, by Committees to be appointed for that purpose, at their annual town meeting in *March* or *April* next: and whatever sum shall be found due to the town of *Dartmouth*, in consequence of the Work house, standing within the line of *New Bedford*, as shall be reported by said Committees, the inhabitants of

Public lands, town's stock of powder, &c. shall be estimated and divided.

said *New Bedford*, shall pay to the said Town of *Dartmouth*.

Elisba May,
Esq: to call a
meeting.

And be it Enacted by the Authority aforesaid, that Elisha May, Esqr; be, and he hereby is empowered, to issue his Warrant, directed to some principal Inhabitant, requiring him to warn and give notice to the inhabitants of the said Town of New Bedford, to assemble and meet at some suitable place, in the said town, to choose all such Town Officers, as Towns are required to choose at their annual Town meetings, in the month of March or April, annually.

February 23, 1787.

1786. — Chapter 61.

[January Session, ch. 17.]

Chap. 61 AN ACT FOR INCORPORATING A CERTAIN PLANTATION IN THE COUNTY OF LINCOLN, CALLED MAJORBIGWADUCE, OR NUMBER THREE, INTO A TOWN BY THE NAME OF PENOBSCOT.

Preamble.

Whereas the inhabitants of the said Plantation, labor under many difficulties and inconveniencies, for want of being incorporated into a Town: Therefore,

Boundaries.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that all the lands lying within the following limits, with the inhabitants thereon, viz. beginning at Buck harbour, so called, on the dividing line between Number three and Number four, and from thence running northeasterly, on the westerly line of Number four, Number five, and Number six, to the southerly corner of Number two; thence westerly, on the southerly line of Number two, to Penobscot River; thence southerly, down the same River, and Penobscot Bay, to the southwestermost part of Cape Rozier; thence easterly, including Spectacle Island, to Buck harbour aforesaid, the place of beginning, be, and hereby are incorporated into a Town, by the name of Penobscot; and the said Town is hereby invested with all the powers, priviledges and immunities, that the Towns in this Commonwealth are intituled to, according to law.

Incorporated &
invested with
powers.

Joseph Hibbert,
Esq: to call a
meeting.

And be it further Enacted, That Joseph Hibbert, Esqr. be, and he hereby is empowered, to issue his Warrant, to some principal inhabitant of said Town, to warn the inhabitants thereof to assemble, at such time and place in

said Town, as by said Warrant shall be appointed, to choose all such Officers as by law are appointed to be chosen annually, in the Month of *March* or *April*; And the said inhabitants being so assembled, shall be, and hereby are empowered to choose such Officers accordingly :

Provided nevertheless, that nothing in this Act shall in any manner affect the right of soil, in the lands aforesaid, or discharge the taxes already assessed, or ordered to be assessed, in the said Plantation; but the said town shall be considered, as held to pay all such taxes, which remain due and unpaid, from the said Plantation.

February 23, 1787.

1786. — Chapter 62.

[January Session, ch. 11.]

AN ACT IN ADDITION TO, AND MAKING PROVISION FOR THE MORE DULY COLLECTING THE REVENUE, ARISING FROM TWO SEVERAL ACTS PASSED *OCTOBER* THE TWENTY-SECOND, SEVENTEEN HUNDRED AND EIGHTY-THREE, AND *JULY*, THE EIGHTH, SEVENTEEN HUNDRED EIGHTY SIX, FOR THE SUPPORT OF THE LIGHT HOUSES IN THIS COMMONWEALTH. *Chap. 62*

Be it enacted by the Senate, and House of Representatives, in General Court assembled and by the authority of the same, That the Master or owner of every Vessel chargeable with the duties of light money, by the aforesaid Acts, shall upon her arrival in any port in this Commonwealth, enter with the Naval Officer of the port where said Vessel may arrive, the full tonnage thereof, agreeably to the rules of Carpenters measurement; and the Naval Officer shall calculate the duties on such Vessel, agreeably to such Entry, unless he shall have any reason whatever to believe that the said Master or owner has made a short entry of her tonnage; in which case the said Naval Officer shall, and he is hereby impowered and directed to cause the said Vessel to be measured, by the rules of Carpenters measurement: And if said Vessel shall be found to measure more tons than she is entered for, then and in that case, the owner or master who entered the said Vessel shall pay *three shillings* per ton for each and every ton she shall be entered short of her real measurement.

February 26, 1787.

1786. — Chapter 63.

[January Session, ch. 12.]

Chap. 63 AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPREME JUDICIAL COURT, AT THE NEXT SESSIONS OF THE SAME COURT, IN THE COUNTIES OF *HAMPSHIRE* AND *BERKSHIRE*, AND FOR ADJOURNING THE COURTS NEXT TO BE HOLDEN IN THE COUNTIES OF *MIDDLESEX*, *PLIMOUTH* AND *BARNSTABLE*; AND TO AUTHORIZE ANY TWO OF THE JUSTICES OF THE SAME COURT, TO DO AND PERFORM THE BUSINESS OF THE SAID COURTS AT *PLIMOUTH* AND *BARNSTABLE*, AT THE TIMES TO WHICH THEY SHALL RESPECTIVELY BE ADJOURNED.

Preamble.

Whereas the suits and prosecutions which are now or probably will be pending in the Supreme Judicial Court, at their next Sessions, in divers of the Counties above mentioned, are so numerous, that the time by law allowed the Justices of the same Court, to hear and determine the same, will be insufficient for the purpose:

Time for holding the Court in the county of Berkshire, altered.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Supreme Judicial Court to be holden at Lenox, within and for the county of Berkshire, on the first Tuesday of May next, by virtue of a resolve of the General Court, of the fourteenth day of November, one thousand seven hundred and eighty six, shall be holden at Great Barrington, within and for the said County of Berkshire, on the third Tuesday of March next; and all matters, civil and criminal, which might by Law have been heard, tried or adjudged, in the said Court at Lenox, aforesaid on the said first Tuesday of May, shall be heard, tried, adjudged and determined, in the same Court, at said Great Barrington, on the said third Tuesday of March next, in the same way and manner, as though the time and place for holding the said Court, had not been altered.

Court by law to be held at Northampton, on the last Tuesday of April next, shall be held on the first Tuesday.

And the Supreme Judicial Court by Law to be holden at Northampton, within and for the County of Hampshire, on the last Tuesday of April next, shall be holden at said Northampton, within and for the said County of Hampshire, on the first Tuesday of April next; and all matters, civil and criminal, which might by Law have been heard, tried or adjudged in the said Court, on the said last Tuesday of April, shall be heard, tried, adjudged and determined, in the same Court, on the said first Tuesday of

April, in the same way and manner as if the time for holding the said Court, had not been altered.

And be it further enacted by the authority aforesaid, that the Supreme Judicial Court by Law to be holden at *Concord*, within and for the County of *Middlesex*, on the second Tuesday of *April* next, be, and hereby is adjourned unto the first Tuesday of *May* next, then to be holden at *Concord* aforesaid; and all matters, civil or criminal, now pending, or that may be pending, or which might by Law have been heard, tried or adjudged, in the said Court, on the said second Tuesday of *April* next, shall be heard, tried, adjudged and determined, in the same Court, on the said first Tuesday of *May* next, in the same way and manner as if the said Court had not been adjourned.

Court by law to be held at *Concord* on the first Tuesday of *April* next, adjourned to the first Tuesday of *May*.

And be it further enacted, that if during the time that the said Supreme Judicial Court shall be holden as aforesaid, by virtue of this Act, at *Great Barrington*, within and for the County of *Berkshire*, the Justices of the same Court shall think it necessary for the due administration of Justice, that the Court to be holden at *Northampton* as aforesaid, on the first Tuesday of *April*, should be adjourned to a day after that time, the Justices of the said Court are hereby authorized and impowered, at *Great Barrington* aforesaid, by Writ under the Seal of the same Court, at any time not less than six days before the said first Tuesday of *April*, to adjourn the said Court directed to be holden at *Northampton* on the first Tuesday of *April* as aforesaid, to such further day as shall be expressed in the same Writ, as the said Justices shall think expedient. And the said Justices are in like manner authorized and empowered, during the time the said Court shall be holden as aforesaid, by virtue of this Act at *Northampton*, within and for the County of *Hampshire*, at any time within six days before the Tuesday next preceeding the last Tuesday of *April* next, if they shall think it necessary, by Writ as aforesaid, to adjourn the Supreme Judicial Court, by Law to be holden at *Worcester*, within and for the County of *Worcester*, on the said Tuesday next preceeding the last Tuesday of *April* next, to such further day as the said Justices shall think expedient.

Justices authorized to adjourn the Court directed to be held at *Northampton* on the first Tuesday of *April*.

— authorized to adjourn the Court by law to be held at *Worcester*, in *April* next.

And the said Justices are in like manner authorized and empowered, during the time the said Court shall be holden as aforesaid, at *Worcester*, within and for the County of *Worcester*, at any time within six days before the said

Justices empowered to adjourn the Court directed to be held at *Concord*; in *May* next.

first Tuesday of *May*, by Writ as aforesaid, to adjourn the said Court directed to be holden at *Concord*, within and for the County of *Middlesex*, on the first Tuesday of *May* next to such further day as shall be expressed in the same Writ. And if the said Justices shall think it necessary to adjourn either or all of the Courts as above mentioned, the Sheriff of the County, where the Court so adjourned is to be holden, shall as soon as may be, after the Writ for adjourning such Court shall be issued, post up an attested copy of such Writ, in the Town where such Court is to be holden, and shall post up attested copies thereof in some conspicuous place, in other Towns in the same County.

Writs of *Venire facias*, for Jurors to serve at the Courts to be held at Great Barrington and Northampton, may be issued at any time within ten days from the return day.

And be it further enacted, that the Clerk of the Supreme Judicial Court, may issue from his Office, Writs of *Venire facias*, for Jurors to serve at the said Courts to be holden as aforesaid, at *Great Barrington* and *Northampton*, at any time within ten days before the return day of the same Writs; and the meetings for the appointment of Grand Jurors and Petit Jurors to serve in the same Courts shall be holden as soon as conveniently may be, after the issuing of the said Writs, and before the day of the sitting of the same Courts respectively; and as soon as may be, after such appointment, the Grand Jurors shall be summoned to attend the said Courts; and the Petit Jurors notified of their appointment to serve at the said Courts, respectively, before the day for the setting of the said Courts. And the Jurors so to be appointed shall be taken and are hereby declared, to be duly and legally appointed; any Law to the contrary notwithstanding.

Court by law to be held at Barnstable in May next, adjourned.

And be it further enacted by the authority aforesaid, that the Supreme Judicial Court by Law to be holden at *Barnstable*, within and for the County of *Barnstable*, on the Wednesday next preceeding the third Tuesday of *May* next, be, and hereby is adjourned to the first Wednesday of *June* next, then to be held at *Barnstable*, within and for the said County of *Barnstable*. And the Supreme Judicial Court by Law to be holden at *Plimouth*, within and for the County of *Plimouth*, on the third Tuesday of *May* next, be, and hereby is adjourned to the second Tuesday of *June* next, then to be holden at *Plimouth*, within and for the county of *Plimouth*; and all matters, civil and criminal, now pending, or that may be pending at

Barnstable, on the Wednesday next preceeding the third Tuesday of *May* next, and at *Plimouth* on the third Tuesday of *May* next, shall be heard, tried, adjudged and determined, in the same Courts, at the times and Places to which they are respectively adjourned by this Act, in the same manner, as if the said Courts had not been adjourned.

And be it further enacted, That any two of the Justices of the Supreme Judicial Court, for the time being, may and shall be a *Quorum* for hearing and determining the several matters and things civil and criminal pending in the same Court, in the Counties of *Plimouth* and *Barnstable* respectively, at the times to which the Courts to be holden in the said Counties are adjourned, by this Act, as fully and effectually, as any three or more of them might or could, had this Act never been made. and in case from any unforeseen event, two of the Justices of the same Court, shall not meet on the day assigned for holding the said Courts respectively, any one of them is hereby authorized, by Writ under his hand and Seal, to adjourn the same to a future Day, in the same way and manner, any two of the said Justices now may by Law adjourn the Supreme Judicial Court; any former Law, usage or custom to the contrary notwithstanding.

Any two of the Justices authorized to perform business at the Courts to be held at *Plymouth* and *Barnstable*.

February 26, 1787.

1786.—Chapter 64.

[January Session, ch. 13.]

AN ACT FOR REPEALING IN PART, A CLAUSE IN AN ACT PASSED THE FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY FIVE, INTITLED, "AN ACT INCORPORATING THE PLANTATION OF SHAPLEIGH, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF SHAPLEIGH, AND FOR ANNEXING CERTAIN LANDS TO LEBANON."

Chap. 64

Whereas the proprietors of several tracts or parcels of land adjoining to the towns of Sandford and Lebanon, have petitioned this Court, that the said several tracts of land, which in and by said Act are annexed to the town of Sandford, may be annexed to the Towns of Shapleigh and Lebanon, respectively:

Preamble.

Be it therefore Enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, that the clause in the aforesaid Act, annexing all the gores and tracts of land herein men-

Clause in a former act, repealed.

tioned, to *Sandford*, be, and the same clause is hereby repealed, so far as it relates to the several tracts of land aforesaid.

Certain tract of
land annexed to
Lebanon.

And be it further Enacted by the authority aforesaid, That a certain tract of land, containing five hundred acres, which was originally granted by the late Province of *Massachusetts Bay* to *John Wainwright*, Esqr; be, and the same hereby is annexed to the Town of *Lebanon*, aforesaid.

Several parcels
of land annexed
to Shapleigh.

And be it further Enacted by the Authority aforesaid, that the several parcels of land following, *viz.* Two hundred acres of land belonging to *Samuel Andrews*, which he purchased of this Commonwealth; five hundred and ninety acres belonging to *Jonathan Hamilton*, being the same he purchased of the Commonwealth; two hundred acres belonging to *Kendal*; five hundred acres laid out to *Thomas Baker*, pursuant to a grant from the late Province of *Massachusetts Bay*; two hundred acres laid out by said Province to *Daniel Simpson*; one hundred acres granted by the Province aforesaid to *John Lydston*; one hundred acres laid out by said Province, to *Moses Banks*; four hundred acres laid out to *Joseph Bean*; three hundred and sixty nine acres, belonging to *William Frost*, junr. being the same the said *Frost* purchased of this Commonwealth, also so much of three hundred acres of land granted to *John Lydston*, as is owned and possessed by the said *William Frost*, junr. which aforesaid several tracts of land, are in and by said clause, annexed to *Sandford*, be, and the aforesaid parcels or tracts of land are hereby severally annexed to, and forever hereafter shall be considered as a part of, and as belonging to the said Town of *Shapleigh*; any thing in the aforesaid Act to the contrary notwithstanding.

February 27, 1787.

1786. — Chapter 65.

[January Session, ch. 18.]

Chap. 65 AN ACT FOR PREVENTING PERSONS SERVING AS JURORS, WHO IN CONSEQUENCE OF HAVING BEEN CONCERNED IN THE PRESENT REBELLION, ARE BY LAW DISQUALIFIED THEREFOR.

Preamble.

Whereas by an Act entitled, “An Act for regulating the choice and services of Petit Jurors,” it is among other things Provided, “That if any person whose name shall

be put into either box, shall be guilty of any gross immorality, his name shall be withdrawn from the box, by the Selectmen of the Town.

And whereas by an Act passed the present session of the General Court, the pardon which his Excellency the Governor is authorized to promise to persons who have been concerned in the present Rebellion, is upon condition that they do not serve as Jurors within three years :

And whereas it is reasonable to provide as far as may be, not only for the due administration of Justice, but also for the relief of such persons as have been concerned in the said Rebellion, and who, though unwilling to declare themselves criminal, may wish to avail themselves of the pardon promised, or which may be promised as aforesaid :

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that it shall be the duty of the Selectmen of the several Towns to which a *Venire facias* shall be issued for Jurors, to serve at any Supreme Judicial Court, or any Court of General Sessions of the Peace, or Court of Common Pleas, in this Commonwealth, at any time within one year from the passing this Act, and such Selectmen are hereby required to withdraw from the Jury boxes, the names of all such persons as they judge to have been guilty of favoring the present Rebellion, or of giving aid or support thereto, prior to drawing out the names of the Jurors that may be called for by the *Venire facias*.

Selectmen directed to withdraw from the Jury-boxes, the names of all such persons as they shall judge guilty of favouring the rebellion.

Provided nevertheless, that if such persons, or any of them, shall make application to the Town to restore their names to the Jury box, and can obtain a vote of the Town, at any town meeting afterward to be called for that purpose, to have his or their names restored to the box again, the name of such person or persons shall be restored accordingly.

Proviso.

And whereas by the said Act, for regulating the choice and services of petit Jurors, it is among other things provided, “ that the Justices of the respective Courts shall upon motion from either party in suit, put any Juror upon oath, whether he is sensible of any prejudice in the cause, and if it shall then appear to the Court, that any juror does not stand indifferent in the cause, he shall be set aside for the trial of that cause, and another called in his stead.” And whereas it is necessary for the impartial Administration of Justice, that effectual measures be taken

to prevent those persons who have been concerned in the present Rebellion, from serving as Jurors in trials for treason or misprison of treason :

Persons suspected of favouring the rebellion, disqualified to serve as Jurors in trials for Treason.

Be it further Enacted, that if within the said term of three years, from the time of passing the Act aforesaid, passed the present Session of the General Court, upon the trial of any person before the Supreme Judicial Court, for treason or misprison of Treason, the Attorney General, or person acting in behalf of the Commonwealth, shall suggest to the said Court, that any person called to serve on the Jury of tryals, has been guilty of favouring the Rebellion now existing, or has in any manner been concerned therein, or given aid or support thereto, if the said Court upon enquiry of the person against whom the objection is made, or upon examination of witnesses, shall judge that there is probable ground for the said suggestion, it shall be the duty of the Court to set aside the person so objected to, as disqualified to serve as a Juror.

February 26, 1787.

1786. — Chapter 66.

[January Session, ch. 14.]

Chap. 66 AN ACT GRANTING THE PRIVILEGE OF REVIEW IN CIVIL ACTIONS.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the Authority of the same, that either party aggrieved at the judgment of the Supreme Judicial Court, where only one verdict hath been given against him in such action, may at any time within two years, review the same cause and have one trial more : and there shall be no further pleadings, but the action shall be tried upon the Review, by the issue appearing upon the Record, to have been originally joined by the parties, but execution upon such judgment, given in the Supreme Judicial Court, shall not be stayed by such Review, unless a bond shall be given, as is in this Act provided. And the party, bringing such action of Review, shall produce in Court attested copies of the Writ, Judgment, and all papers used and filed in the former trial, and each party shall have the liberty to offer any further evidence.

Either party shall have the privilege of review, at any time within two years.

Proviso.

And it is also *Provided*, That any Infant, feme covert, or person *non compos mentis*, imprisoned, in captivity, or

out of the United States of *America*, shall have liberty to review their actions, at any time within two years, exclusive of the time such impediment exists.

And be it further Enacted, That when either party shall bring an action of Review, and enter the same, the whole cause shall be tried in the same manner, as if no Judgment had been given thereon; and the former Judgment may be reversed, in whole or in part, or greater damages, or less, or no damages, may be given, as the merits of the cause, upon Law and the evidence, shall appear to require, in the same manner as if both parties had brought their several Writs of Review.

In actions of review, — causes how tried.

And it is further Enacted, That when there are more than one original Defendant, against whom joint damages are recovered, and one or more, but not all of them, shall review the cause, he or they shall purchase the Writ therefor, in the name of all the original Defendants; and if any of the original Defendants shall not appear, their non-appearance shall be entered upon the Court's record; and he or they who shall appear, in support of the Review, may prosecute the same to final Judgment: and if he or they who shall prosecute the same, shall obtain a reversal of the former Judgment, in whole, he or they shall be entitled to cost, and a restoration of the damages by him or them respectively paid in satisfaction of the former Judgment: and if he or they who shall prosecute as aforesaid shall obtain a reversal of the former Judgment, in part only, he or they shall be entitled to costs, and a restoration of so much of the damages by him or them respectively paid, in satisfaction of the former Judgment, as the former Judgment may have exceeded the Judgment upon the Review as aforesaid.

When damage are recovered against more than one original defendant, and one or more, but not all of them, shall review the cause, the writ shall be purchased in the name of the whole.

And be it further Enacted by the Authority aforesaid, that when several damages are given, against several Defendants, either of them may review, in the same manner, as if there was no other original Defendant in the Cause; and if he shall obtain a reversal of the former Judgment, in whole, as to him, he shall be intitled to a restoration of all damages and costs by him paid: and if he shall obtain a reversal of the former Judgment, in part only, he shall be intitled to costs, and a restoration of so much of the damages by him paid in satisfaction of the former Judgment, as the former Judgment, may have exceeded the Judgment upon the review as aforesaid.

When damages are given against several defendants, either of them may review, &c.

When any original defendant, intitled to a review, shall suppose there is danger of loosing the sum given in damages, &c. — directions in this case.

And be it further Enacted by the Authority aforesaid, that when any original Defendant or Defendants, intitled to and intending to review, shall suppose that they will be in danger of loosing the sum given in damages, or the goods or Chattels recovered, if they are obliged to pay or deliver the same to the original Plaintiff or Plaintiffs, before a review, in all such cases such Defendant or Defendants, his or their Agent or Attorney, entering into bond at the time of making up the Judgment, with sufficient surety or sureties, to be approved of by the Court, with condition, to prosecute a Writ of Review of the same Action, with effect, at the next Supreme Judicial Court to be holden for the same County, and to answer and pay to the original Plaintiff or Plaintiffs, for the damages, goods or chattels recovered, after the rate of *twelve per cent.* per annum, being double interest from the time of making up such Judgment, with additional damages and double costs, in case the former Judgment shall be affirmed in whole; and simple interest if the same shall be affirmed in part, or if the Judgment shall be upon detinue or replevin for any goods or chattels, then to pay all such damages, as the Jury shall assess for the detention, with double costs; if the former damages are affirmed, then Execution shall be stayed upon the Judgment whereon the Review is had.

Manner of serving writs, when any party shall not be an inhabitant of this Commonwealth.

And when any party against whom any review is commenced, shall not be an inhabitant of this Commonwealth, the Writ may be served upon such person as appeared for him in the former tryal, or upon the Agent of the said party, his Attorney, or Trustee, which shall be deemed a sufficient service; and in such case the Court may at their discretion, continue the cause for one or more terms, in order for the party to have personal notice, if they shall think that Justice requires it.

When one or more, and not all the defendants, shall choose to review the cause, he or they shall give bond, &c.

And it is further Enacted, that when one or more, and not all the original Defendants, against whom joint damages are given, shall choose to review the cause, he or they shall be obliged to give bond, for the responding the whole sum given in damages, together with double interest and additional damages, as before provided; and no Execution shall be issued against the other original Defendants.

In real actions, where the defendants live out

And it is further Enacted, that in all real actions, where the Defendant or Defendants in review, live out of the

Commonwealth, so that the Writ of Review cannot be served upon him or them, the service of such Writ upon the Ter-tenant or person in possession, shall be deemed a good and sufficient service, and the Defendant or Defendants shall be held to answer thereupon accordingly.

of the Commonwealth, writs upon ter-tenants shall be deemed sufficient.

February 26, 1787.

1786. — Chapter 67.

[January Session, ch. 15.]

AN ACT DIRECTING THE METHOD FOR LAYING OUT HIGHWAYS. *Chap. 67*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the Selectmen of the several Towns in this Government, are hereby authorized and empowered, either personally, or by such other Person or Persons, as they shall appoint, to lay out within their respective Towns, particular and private ways, for the use of such Town only; or for the use of one or more individuals thereof, or proprietors therein; and if any particular Person or Persons, who are Owners of the land through which such private Roads shall be laid out, be injured thereby, he or they shall receive such recompence, as the party interested and the Selectmen shall agree upon, to be paid by the Town, or the individual Person or Persons, for whose use the road is laid out, or as shall be ordered by the Justices in their General Sessions of the Peace, upon an enquiry into the same by a Jury to be summoned for that purpose, or by a special Committee, if the Parties agree thereunto.

Selectmen empowered to lay out particular and private ways.

Provided always, that no private way laid out by the Selectmen, or their order, as aforesaid, shall be established as such, until the same has been reported to the Town, at some public meeting of the Inhabitants thereof, regularly notified and warned, and by them approved and allowed,

Proviso.

And be it further enacted by the authority aforesaid, that if the Selectmen shall unreasonably delay, or refuse to lay out, or cause to be laid out, any such private way, as before described, being thereunto requested in writing, by one or more of the Inhabitants, or Proprietors of land in such Town, then the Court of General Sessions of the Peace for the same County, at any session thereof, within one year, if the request appear to them reasonable, may cause the same private way to be laid out at the costs of

Court of General Sessions may cause such private ways to be laid out, if selectmen refuse.

the persons applying, by a Committee of three disinterested Freeholders, which Committee shall estimate the damages occasioned thereby (if any there be) as well as ascertain the place and course of the said private way. The damages to be paid by the Town, if it be of general benefit, otherwise by the individual or individuals for whose use and benefit the way is laid out. And the Justices of the respective Courts of General Sessions of the Peace, upon application to them made by any Party aggrieved, at the continuance of any private way, may order and direct a discontinuance thereof, after notifying and hearing the Parties interested therein, if they shall thereupon adjudge and determine such discontinuance reasonable.

When towns unreasonably delay to approve or allow of any private way, &c. the persons aggrieved may apply to the Court of Sessions.

And be it further enacted by the authority aforesaid, that when any Town shall unreasonably delay or refuse, to approve and allow of any private way, laid out by the Selectmen thereof, or their order, and put the same on record, any Person or Persons aggrieved by such delay or refusal, may apply to the Court of General Sessions of the Peace, for the same County, within twelve months after such refusal or delay; and the same Court, after hearing the Town thereon, may accept and approve of the said private way, as laid out by the Selectmen, and direct the same to be recorded in the Town Book; or they may order the private way petitioned for, to be laid out, by a Committee of three disinterested Freeholders, to be by them appointed for that purpose, which Committee shall be under similar directions and obligations, as to locating and estimating the damages occasioned thereby, as in this Act is prescribed for a Committee of five, in locating or altering a County Highway.

When a highway or common road, from town to town, shall be wanting, application may be made to the Court of Sessions.

And be it further enacted by the authority aforesaid, that when a new Highway, or common Road, from Town to Town, or place to place, shall be wanting, or where an Highway or common Road already laid out, stated and established, may or can with greater conveniency be turned or altered, upon application made to the Court of General Sessions of the Peace, within the same County, and it being determined by them to be of common convenience or necessity to have such new way laid out, or old way altered, the said Court are hereby authorized and empowered, by warrant under the Seal thereof, to appoint a Committee of five disinterested sufficient Freeholders, in the

same County, to lay out such Highway or Road; which Committee shall give seasonable notice to all Persons interested, of the time and place of their meeting; and they shall be under oath to perform the said service, according to their best skill and judgment, with most convenience to the public, and least prejudice or damage to private property. And they shall ascertain the place and course of said Road, in the best way and manner they can; which having done, they or the major part of them shall make return thereof, under their Hands and Seals, to the next Court of General Sessions of the Peace to be held in the same County, after the said service is performed; to the end the same may be accepted, allowed and recorded, and afterwards known for a public Highway.

Provided always, that if any Person be damaged in his property, by the laying out or altering such Highway, the Town or District where the same is, shall make such Person or Persons reasonable satisfaction, according to the estimation of the Committee or the major part of them, who laid out the same; and said Committee are impowered and required, under oath, to estimate the same, and make return thereof as aforesaid. And if any Person find himself aggrieved by the doings of the said Committee, in locating said way, or in estimating damages, he may apply to the Court of General Sessions of the Peace, provided such application be made to the said Court that shall be held in the same County, next after the acceptance of such return; and said Court is hereby impowered to hear and finally determine the same, by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the Person complaining desires the same, or by a new Committee, if the Person complaining and the Agent for the Town or District in which the way is laid out, can agree thereon; and if the Jury or Committee agreed upon as aforesaid, who are to be under oath, shall not alter said way, or increase the damages, the Person complaining shall be at all the costs incurred on that occasion, to be taxed against him by said Court, otherwise, such costs shall be paid by the County, and the increase of damages, shall be paid by the Town or District in which such way is located.

And be it further enacted by the authority aforesaid, that the verdict of such Jury, or the report of the Committee agreed upon as aforesaid, being made under their hands and Seals to said Court, and by them accepted and re-

Proviso, in case any person shall be damaged in property.

Verdict of a jury or report of a committee, with respect to such damages, may be final.

corded, shall conclude the Person or Persons complaining, with respect to the damages, and also finally fix and determine the place of such Road or Highway.

Court may order the damages to be paid out of the treasury of the town.

And be it further enacted, that the Court of General Sessions of the Peace, may order the payment of such sum or sums of money, as shall be assessed in damages, to be paid by any Town or District, in consequence of this Act, out of the Treasury thereof; and in default of payment after a reasonable time, may levy the same by warrant of distress, upon the personal property of the Inhabitants, to the use and benefit of the Person or Persons to whom the damages may be awarded.

What buildings and fences shall be considered as boundaries, and what as nuisances, &c.

And be it further enacted by the authority aforesaid, that where Buildings or Fences have been erected, fronting upon, or against any Training-Field, Burying Place, Common Landing Place, Highway, Private Way, Street, Lane, or Alley, in any Town, District, Parish or Precinct in this Government, where from length of Time, or otherwise, the breadth or quantity thereof is not known, or can be made certain by the records, or by any other boundaries, and such buildings or fences have been upheld, maintained and continued for more than forty years; such Fences or Buildings shall be deemed and taken to be the true antient boundaries thereof; but no length of time (under threescore years) shall justify the continuance of a Fence, or Building, on any Town, or private way, or on any public Highway, a Common Training Field, Burying Place, Landing Place, or other piece of land appropriated for the general use, ease or convenience of the Community at large, or for the Inhabitants, of any particular County, Town, District, Parish or Precinct; But the same may be removed, by order of the Court of General Sessions of the Peace, or the Supreme Judicial Court, as a Nuisance, upon the presentment of a Grand Jury.

February 27, 1787.

1786. — Chapter 68.

[January Session, ch. 16.]

Chap. 68 AN ACT FOR THE DUE REGULATION OF LICENCED HOUSES.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That no person whosoever, may presume to

Persons presuming to be inn-

be a common Victualler, innholder, taverner, or seller of wine, beer, ale, cyder, brandy, rum, or any strong liquors, by retail, or in a less quantity than twenty-eight gallons, and that delivered and carried away all at one time, except such person be first duly licenced, according to law, by the Justices of the peace of the same County, where such person lives, in General Sessions assembled, according to the regulations hereafter expressed; on pain of forfeiting the sum of *twenty pounds*; and if any person shall at any time sell any spirituous liquors, or any mixed liquors, part of which is spirituous, without licence therefor duly had and obtained, according to law, he shall forfeit and pay for each offence, a sum not exceeding *six pounds*, nor less than *forty shillings*, which fine or forfeiture, as also the fine or forfeiture afore-mentioned, shall enure, one half thereof to the informer, the other half to the County where such offence is committed.

holders, retailers &c. without being licenced :

Penalty.

Be it further enacted by the authority aforesaid, that all licences shall be yearly renewed; and that the Clerk of the peace, in the respective Counties, from time to time, annually, before the granting licences, shall transmit to the Selectmen of every Town and District, within the County, a list of the names of the persons in such Town or District, that were licenced the year before; and that licences shall not be renewed to any person borne on such list, unless the Selectmen of such Town or District, shall have considered the same and made return thereof to the Clerk of the Peace of the County to which they respectively belong, certifying thereon as follows, *viz.*

Licences shall be renewed, yearly.

Selectmen to return a list to the Clerk of the Peace, with a certificate.

WE the subscribers, Selectmen of the town (or district) of _____ do hereby certify, that we have maturely considered the returned list of such persons as were licenced the year past, and to the best of our knowledge, the following persons named therein, have maintained good rule and order in their respective houses or shops, and have conformed to the laws and regulations respecting licenced persons, and are firmly attached to the Constitution and laws of this Commonwealth.

Form.

And no person shall have his licence renewed, unless his name be inserted in such certificate, or in another of the same tenor.

And no person, after the first day of *June*, one thousand

Persons licenced shall be sworn.

seven hundred and eighty seven, shall be licenced to be a victualler, innholder, taverner or retailer of spirituous liquors, until he has taken an oath in the following words.

Form of the oath.

I *A. B.* do swear, that I will bear true faith and allegiance to the Commonwealth of *Massachusetts*, and that I will, to the utmost of my power, defend the Constitution and Government thereof, against traiterous conspiracies and all hostile and violent attempts whatsoever.

By whom administered, &c.

which oath, may be administered by the Clerk of the Court of General Sessions of the Peace, or by any Justice of the Peace, or any Town or district Clerk, in such Towns or Districts wherein no Justice of the Peace dwells. And the Justice or Clerk who may administer such oath, shall make certificate thereof, to the Court of General Sessions of the Peace; which certificate shall be filed by the Clerk of the said Court, among the records of the same Court; and a certificate that such oath has been taken, shall be made and filed as aforesaid, in cases where the Clerk of the said Court shall administer such Oath; and no certificate as aforesaid, shall be required, afterwards, upon a renewal of such person's licence. And no person shall be firstly or originally licenced, to be a victualler, innholder, taverner, or seller of Wine, beer, ale, cyder, brandy, rum or other strong liquors, by retail, in the town or district where he lives, other than such as produce a certificate, from the Selectmen of the same town or district, recommending them as follows, *viz.*

No person shall be originally licenced, unless a certificate is produced from the Selectmen of the town.

Form.

WE the subscribers, Selectmen of the town (or district) of do approve of (inserting the name of the person and the employment for which he or she is approbated) in the said town (or district) for the year ensuing; and We do hereby recommend the said , as a person of sober life and conversation, suitably qualified and provided for the exercise of such an employment, and firmly attached to the Constitution and laws of this Commonwealth.

Duty of Selectmen.

and it shall be the duty of the Selectmen in the several towns, annually, to certify to the Court of the General Sessions of the Peace, at the beginning of their term for granting licences, what number of innholders, and retailers in their respective towns, they judge to be neces-

sary for the public good. And that no licence be renewed, to any person who shall have been before licenced, against whom any presentment, complaint, or information shall be made for misrule or disorder in such House, or for not being suitably provided as the Law in such case requires, to entertain strangers and travellers at bed and board, before the matter complained of and informed against, be enquired into and judged of. *Provided* such presentment or complaint be prosecuted to effect, at or before the same Court for granting such licences; unless the prosecution be delayed at the motion of the person applying for the Licence.

No licence shall be renewed to persons who stand presented.

Proviso.

Be it further Enacted by the authority aforesaid, that all innholders, taverners and common victuallers, shall at all times be furnished with suitable provisions and lodging, for the refreshment and entertainment of strangers and travellers, pasturing and stable room, hay and provender (saving that in populous Seaport towns, stable room, hay and provender only are required) for their horses and cattle, on pain of being deprived of their licence. And every licenced victualler, innholder or taverner, shall at all times have a board or sign affixed to his or her house, or in some conspicuous place near the same, with his or her name at large thereon, and the particular employment for which he or she is licenced: And if any victualler, innholder or taverner, enjoined by law to be suitably provided to receive and entertain strangers, travellers or others, as occasion may require, shall be convicted of refusing to make suitable provision when desired, for the receiving of strangers, travellers and their horses and Cattle, or for any public entertainment, such person, upon being convicted thereof before the Justices of the General Sessions of the Peace, of the County to which such person belongs, shall by the said Justices be deprived of his or her licence; and the said Justices shall be and they are hereby empowered and directed, to order the Sheriff of the same county, or his Deputy Sheriff, to cause the sign of such convicted person, to be taken down.

Innholders & taverners, shall at all times be furnished with suitable provisions, &c. on pain of being deprived of their licence.

And be it further Enacted by the authority aforesaid, That no person except those who are licenced for common victuallers, taverners, or innholders, may presume to sell any strong liquors, as in this act mentioned, nor any mixed liquors part of which are spirituous, to be drank in their houses, or any of the parts or dependencies of the same;

Penalty if any person, except taverners or innholders, shall presume to sell any strong or mixed liquors.

and that if any person licenced to sell wine, beer, ale, cyder, brandy, rum or any strong liquors by retail only, shall be convicted of entertaining or suffering any person or persons to drink such strong liquors or mixed liquors in their shops, houses or parts or dependencies of such shops or houses, he shall incur and suffer the like penalties and forfeitures as are inflicted by this law, upon persons selling without licence, to be recovered and appropriated in the same manner.

Penalty for keeping imple-
ments for gam-
ing.

And be it Enacted by the authority aforesaid, that no Taverner, innholder or victualler, shall have or keep in or about their houses, yards, gardens or dependencies, any dice, cards, bowls, billiards, quoits or any other imple-ments used in gaming; nor shall suffer any person or persons resorting unto any of their houses, to use or exercise any of the said games, or any other unlawful game or sport, within their said Houses, or any of the dependen-
cies as aforesaid, or places to them belonging, on pain of forfeiting the sum of *forty shillings*, for every such offence, upon due conviction thereof, to be disposed of as is herein directed; and every person convicted of playing as aforesaid, in any such house or dependencies thereof, shall forfeit the sum of *twenty shillings*, to be disposed of as aforesaid.

Penalty for suf-
fering dancing
or revelling.

And be it further Enacted by the authority aforesaid, That no Taverner, innkeeper or victualler, shall suffer any dancing, or revelling in his house, or the dependen-
cies thereof, as aforesaid, on penalty of *thirty shillings*, to be paid by the Master or Keeper of the said House, who shall suffer the same, and the penalty of *six shillings* to be paid by each person offending, in any of the said particulars, to be disposed of as aforesaid.

Forfeiture for
suffering per-
sons to drink to
excess.

And be it further enacted by the authority aforesaid, that no Taverner, innholder or victualler, shall suffer any person to drink to drunkenness or excess in his or her house, or suffer any minor, (travellers excepted) or ser-
vant, to sit drinking there, or to have any strong drink there, without special allowance of their respective par-
ents, guardians or Masters, on pain of forfeiting the fine of *twenty shillings*, for every offence of that kind, to be appropriated as aforesaid.

Penalty for a
second breach
of this act.

And be it further Enacted by the authority aforesaid, that if any person after being duly convicted of any breach of this law, shall again break any part of this law, and

thereof be duly convicted, he shall, over and above suffering the penalty set to such breach of this law, recognize for his good behaviour in the sum of *twenty pounds*, for one year, with two sufficient sureties, over and above his recognizance for good order, at taking out his licence. And if any person convicted of a second breach of this Law, as aforesaid, shall presume again to break any part of this Law, over and above suffering the penalty of this law for such breach of it, he or she shall forfeit his or her licence, not to be renewed again for the space of three years, next following,

And be it further enacted by the authority aforesaid, that if any person being duly convicted of any breach of this law, shall be unable or shall neglect to pay and satisfy the fine imposed, together with the costs of prosecution, and likewise give bond for his good behaviour, if it be on the second conviction, within twenty-four hours next after sentence declared in that respect, it shall and may be lawful for the Court, before whom such conviction may be, to order such offender to be openly whipt not exceeding fifteen stripes, for one offence, nor less than ten, and to restrain the offender in prison until the said fine and charges are paid and bond given as aforesaid, or the order for corporal punishment be executed.

And be it further Enacted by the Authority aforesaid, that before any person shall receive a licence to be an innholder, taverner, victualler or retailer of spirituous liquors, every such person shall become bound by recognizance to the Commonwealth, in the sum of *twenty pounds*, as principal, with two sureties in *ten pounds* each, before one or more Justices of the General Sessions of the Peace, on condition following, *viz.*

Punishment, if persons convicted of a breach of this act, shall be unable, or shall neglect to pay the fine imposed.

Persons licensed, shall become bound to the Commonwealth.

Form of the recognizance.

The condition of this recognizance is such, that whereas the above bounden *A. B.* is admitted and allowed by the Justices of the General Sessions of the Peace, to keep a tavern, inn, or victualling-house, and to sell wine, beer, ale, cyder, brandy, rum, and mixed liquors and other strong liquors by retail, for the space of one whole year next ensuing, and no longer, in the now dwelling House of the said *A. B.* and no other; if therefore, the said *A. B.* during the time aforesaid, shall keep and maintain good order and rule, and shall suffer no disorders, nor unlawful games to be used in his said House, or in any of the

dependencies thereof, and shall not break any of the laws for the regulation of such Houses, then this recognizance to be void ; otherwise, to remain in full force and virtue.

Persons licenced to be retailers of strong liquors, shall become bound by recognizance.

And before any person shall receive licence to be a retailer of strong liquors, to be spent out of his house, and not otherwise, such person shall become bound by recognizance, as aforesaid, on condition following, *viz.*

Form.

The condition of this recognizance is such, that whereas the above bounden *A. B.* is licenced and allowed by the Justices of the Court of General Sessions of the Peace, to retail strong liquors, to be spent out of his now dwelling house, or shop, for the space of one year next ensuing, and no longer, and not otherwise ; if therefore, the said *A. B.* shall not break the laws, made for the regulation of such retailers, and shall do and observe the directions of the law, relating to such licences, then this present recognizance to be void, otherwise, to remain in full force and virtue.

Upon default, a scire facias shall issue.

And be it further enacted by the authority aforesaid, that upon default being made, upon any such recognizance, a *Scire facias* shall issue, and judgment and execution be had in the usual form. and that no recognizance for the keeping the laws respecting the above mentioned licences, shall be put in suit, for any breach thereof made, after the expiration of two years from the time of taking such recognizance.

Persons licenced, shall become bound also to the Commonwealth, to pay excise duties, &c.

And be it further enacted, that every person to whom any licence shall be granted, before the receiving or exercising the same, over and above the recognizance required, for the due observation of the Laws, and keeping good rule and order as aforesaid, shall also become bound to the Commonwealth, in a distinct recognizance, with sufficient sureties, in manner as aforesaid, on condition, that the person so licenced shall duly and truly pay the duties of excise, according to the regulations that are, or during the time of such person's licence, may be established by Law.

Time for granting licences.

And be it further enacted by the authority aforesaid, that the time of granting licences to Innholders and Retailers as aforesaid, shall be at the first General Sessions of the Peace, that shall be held in course, within the several Counties, on or next after the last Tuesday of

June, annually; unless upon application made to the General Sessions of the Peace, at any of the terms stated by Law for holding said Court, and on such day and time of the sitting of such Court, as the Justices of the same are wont to give their more general attendance, for licence to keep an Inn, Tavern, a House of public Entertainment, or to retail strong liquors, it shall appear to the same Court, that the person applying was unavoidably prevented from making application at the said first General Sessions of the Peace, or that the necessity of such licence had taken place since that time; and in either case, that the public good makes it necessary that the same should be granted; in which case the said Justices are empowered to grant the same, as though it was at the proper term for granting licences, the person applying for such licence paying therefor, for the use of the County, *six shillings*, over and above the usual fees and duties.

And be it further enacted, that when it shall so happen, that any licenced Innholder or Retailer, shall die before the year is expired for which licence shall have been granted, and the Widow of the deceased, if such there be, or children or other Representative, shall desire to exercise said employment, in such licenced House, the remainder of the year; and where any licenced Innholder or Retailer, shall remove from a licenced House, and the purchaser or occupier of such House, shall petition to be licenced, to be an Innholder or Retailer in the same House for the remainder of the year, in every such case, it shall be lawful, and the Justices of the Court of General Sessions of the Peace, are hereby empowered, at any of the terms appointed by law for holding the same in such County, and any two Justices of the Peace, *quorum unus*, are also empowered to grant licences to such person or petitioner applying therefor, the remainder of the year. *Provided* such person be suitably qualified therefor, and recommended in manner as the Law directs.

And the better to prevent intemperance, and nurseries of vice and debauchery:

Be it further enacted, that the Justices of the General Sessions of the Peace, in each County, be, and they are hereby directed, not to licence more persons in any Town or District to keep Houses for common entertainment, or to retail spirituous liquors as aforesaid, than the Justices shall judge necessary for the receiving and refreshment

If any licenced innholder or retailer shall die, or remove from a licenced house before the year is expired, Justices of the Court of Sessions empowered, &c.

Justices directed not to licence more persons than are necessary for the public good.

of travellers and strangers, and to serve the public occasions of such Town or District, or are necessary for the public good : and all public Houses shall be on or near the high streets, roads and places of great resort.

Selectmen shall cause the names of common drunkards, &c. to be posted up in the houses of taverners, & other licenced houses.

And be it further enacted by the authority aforesaid, that the Selectmen in each Town shall cause to be posted up in the Houses and Shops of all Taverners, Innholders and Retailers, as aforesaid, within such Towns or Districts, a list of the names of all persons reputed common Drunkards, or common Tiplers, or common Gamesters, mispending their time and estate in such Houses. And every keeper of such House or Shop, after notice given him as aforesaid, that shall be convicted before one or more Justices of the Peace of entertaining or suffering any of the persons in such list, to drink or tipple or game, in his or her House, or any of the dependencies thereof, or of selling them spirituous liquor, as aforesaid, shall forfeit and pay the sum of *thirty shillings*.

Selectmen shall forbid licenced persons to sell spirituous liquors to excessive drinkers, idlers and mispenders of time.

And be it further enacted by the authority aforesaid, that whenever any person shall by idleness or excessive drinking of spirituous liquors, so mispend, waste, or lessen his or her estate, as thereby, either to expose himself or herself, his or her family to want or indigent circumstances, or the Town to which he or she belongs, to a charge or expence for the maintenance or support of him or her, or his or her family, or shall so indulge himself or herself in the use of spirituous liquors, as thereby greatly to injure his or her health, or endanger the loss thereof, such Selectmen shall in writing under their hands, forbid all licenced persons in their respective Towns and Districts, to sell to any of the aforescribed mispenders of time and estate, any spirituous or strong liquors, in this Act mentioned, for the space of one year, and shall in like manner forbid the licenced persons of any other Town or District to which such mispender may resort for the same ; and if any of the persons contained in the said prohibition, shall not, in the opinion of the said Selectmen, or the Major part of them, have reformed during the said year ; in such case, the Selectmen of such Town or District shall renew the prohibition in manner as aforesaid ; and if any licenced Victualler, Taverner, Innholder, or Retailer of Spirituous or strong liquors, shall during any such prohibition, sell to any person contained therein, any spirituous liquors, in this Act mentioned, he shall forfeit and pay for each

Penalty for selling to such persons.

offence, the sum of *twenty shillings*, to the use of the Town or District where such mispender lives, to be sued for, and recovered by the Treasurer of such Town or District.

And whereas the giving credit to Town Inhabitants and others, living near Houses of public entertainment, very much tends to the destructive expence of time and money of many persons :

Be it therefore enacted, That if any Innholder, Retailer, Ale-House Keeper, or common Victualler, trust or give credit to any person inhabiting in the same Town, where they are trusted, or to any person whose place of abode is within five miles distance, for victuals, or drink, for more than *ten shillings*, such Innholder, Retailer, Ale House Keeper, or common Victualler shall loose all such sums so trusted, and all actions hereafter brought for such debt or debts shall be utterly excluded and barred. And the defendant in such action, may plead the matter specially, or under the general issue give the matter in evidence, any Law, usage or custom to the contrary notwithstanding.

Innholders, &c. who shall trust or give credit for more than 10s. shall lose the sums so trusted.

And for the better inspecting of licenced Houses, and the discovery of such persons as shall presume to sell without licence :

Be it enacted by the authority aforesaid, that the Selectmen in each Town or District, respectively, shall take due care that Tythingmen be annually chosen, at the General meeting for the choice of Town Officers, as is by Law provided ; and upon any vacancy, to fill up the number at any other Town meeting ; which Tythingmen shall have power and whose duty it shall be, carefully to inspect all licenced Houses, and to inform of all disorders or misdemeanours which they shall discover or know to be committed in them, or any of them, to a Justice of the Peace, or to the General Sessions, within the same County ; as also of all such as shall sell spirituous liquors as aforesaid, without licence : and in like manner to inform of all idle and disorderly persons, profane swearers or Cursers, Sabbath breakers, and the like Offenders, to the intent, they may be punished : every of which Tythingmen, shall be sworn as other Town Officers are, to the faithful discharge of his Office, and shall be intituled to such part of the penalties enjoined by this Act, as by Law, accrues to the informer.

Tythingmen to be chosen annually.

Their duty.

Fines and penalties, how disposed of.

And be it further enacted by the authority aforesaid, that all fines and penalties arising for any of the Offences aforesaid, not otherwise appropriated, shall be disposed of, one half thereof to the use of the County where the offence is committed, and the other moiety to him or them who shall inform and prosecute for the same; except where the offence is prosecuted by a Grand Jury, before the Supreme Judicial Court, or Court of General Sessions of the Peace; in which case the whole forfeiture to be to the use of the County.

Justices of the Peace empowered to hear & determine offences, where the penalty doth not exceed four pounds.

And every Justice of the Peace is hereby impowered to hear and determine any of the Offences abovementioned, committed within his County, where the penalty doth not exceed four pounds, and not otherwise: and every Justice of the Peace before whom such conviction shall be had, and where the party convicted doth not appeal, shall make a certificate of the same; and the Justice before whom such conviction is, shall cause the same to be fairly written and shall return the same to the then next General Sessions of the Peace for the County, where the said Offence is committed, there to be read over in open Court, and filed among the records of the same Court, to the end among other things, that it may be known, that the breakers of this Law are duly prosecuted.

February 28, 1787.

1786. — Chapter 69.

[January Session, ch. 19.]

Chap. 69 AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE, WHERE PENNY FERRY HAS BEEN USUALLY KEPT, AND FOR SUPPORTING THE SAME.

Preamble.

Whereas the erecting a bridge over the river, where penny-ferry has been usually kept, will be of great public utility, and Thomas Russell, esqr. and others, have petitioned this Court, for an Act of incorporation, to empower them to build the said bridge, and many persons under the expectation of such an Act, have subscribed to a fund for the purpose of erecting and compleating the same:

Proprietors incorporated.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same, that Thomas Russell, Esqr. Richard Devens, Esqr. Samuel Swan, junr. Jonathan Simpson, junr. and William Tudor, Esqr. so long as they shall

continue to be Proprietors in the said fund, together with all those who are or shall hereafter become proprietors to the said stock or fund, shall be a corporation and body politic, under the name of the proprietors of *Malden Bridge*; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and to suffer; and that the said Corporation shall, and may have full power and authority, to make, have and use a common seal, and the same to break and alter at pleasure.

And be it further enacted by the authority aforesaid, That the said *Thomas Russell*. Esqr. *Richard Devens*, Esqr. *Samuel Swan*, junier. *Jonathan Simpson*, junier. and *William Tudor*, Esqr. or any three of them, may by advertisement in any two of the News papers, warn or call a meeting of the said proprietors, to be holden at any suitable time and place, after fifteen days from the publication of the said advertisement; and the said proprietors, by a vote of the majority of those present or represented at the said meeting (accounting and allowing a vote to each single share in all cases) shall choose a clerk, who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said corporation, for effecting, compleating and executing the purposes aforesaid, or for collecting the toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *four pounds*; *provided* the rules and regulations are not repugnant to the Laws or Constitution of this Commonwealth; and the said proprietors may also chuse and appoint any other officer or officers of the corporation, that they may deem necessary; and all representations at the said meeting shall be proved in writing signed by the person making the same, by special appointment, which shall be filed with or recorded by the Clerk; and this Act, and all rules, regulations and votes of said corporation, shall be fairly and truly recorded by said Clerk, in a book or books for that purpose provided and kept.

Proprietors may warn a meeting.

May establish rules and regulations, &c.

Proviso.

And be it further enacted by the authority aforesaid,

Toll granted & established.

Rates of toll.

that for the purpose of reimbursing the said proprietors, the money by them expended or to be expended, in building and supporting the said Bridge, a toll be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following: For each foot passenger, *one penny and one third of a penny*: For each person and horse, *four pence*: For each horse and cart, *six pence*: For each team drawn by more than one beast, *nine pence*: For each horse and chaise, *nine pence*: For each coach, chariot, phaeton, and curricule, *eighteen pence*: For each man and wheel barrow, *two pence two thirds of a penny*: For each horse and neat cattle, exclusive of those in teams or rode on, *two pence*: For each sheep and swine, *two thirds of a penny*, and toll on Lord's Days shall be double the above rates; and to each team one person and no more shall be allowed as a driver, to pass free from toll; and at the time when the tollgatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening of said bridge, for passengers, and shall continue forever; Provided, that when fifty years from the first opening said bridge, are expired, the General Court from thence forward, may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed by the said corporation.

Bridge shall be well built, &c.

And be it further enacted by the authority aforesaid, that the said Bridge shall be well built, at least thirty two feet wide, of good and suitable materials, with a good draw or passage way, thirty feet wide, through which for vessels to pass both by day and by night, and at a suitable place, with well constructed, substantial piers on each side, and shall be well covered with plank or timber on the top, suitable for such a bridge, and the same shall be built two feet higher, above high water mark, than Charles River Bridge now is, and shall be kept in good and safe passable repair forever.

Sign or board shall be erected, with the rates of toll, &c. fairly written.

And be it further Enacted by the authority aforesaid, that the said Proprietors shall at the several places where the toll shall be received, erect and constantly expose to open view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters; and the draw shall be lifted for all vessels, without toll or pay, except for boats passing for pleasure.

And be it further enacted by the authority aforesaid, that if the said proprietors shall neglect or refuse for the space of four years, after the passing of this Act, to build the said bridge, then this Act shall be void, and of none effect.

If the proprietors neglect to build, for four years, this act shall be void.

March 1, 1787.

1786. — Chapter 70.

[January Session, ch. 29.]

AN ACT FOR GRANTING FURTHER TIME TO THE COMMISSIONERS, APPOINTED BY CONGRESS, FOR COMPLEATING THE RUNNING OF THE LINE OF JURISDICTION, BETWEEN THE COMMONWEALTH OF MASSACHUSETTS, AND THE STATE OF NEW YORK, ON THE EASTERLY PART OF THE STATE OF NEW YORK.

Chap. 70

Whereas by virtue of an act, passed the twenty ninth day of June, A. D. One thousand seven hundred and eighty five, entitled “An Act to authorize the United States in Congress assembled, to appoint Commissioners to compleat the running the line of Jurisdiction between the Commonwealth of Massachusetts and the State of New York, on the easterly part of the State of New York,” the said United States in Congress assembled, did appoint Commissioners, “to run out, survey, mark and ascertain the said Line of Jurisdiction,” who have not yet compleated the business of their appointment:

Preamble.

And whereas the time limited by the Act aforesaid, for the Commissioners to compleat the said survey, and to make a return thereof into the Secretary's office of the United States, will expire on the seventh day of March, 1787, and the business of their Commission cannot be compleated within that time:

Therefore Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of one year from the seventh day of March, A. D. One thousand seven hundred and eighty seven, be, and hereby is allowed to the said Commissioners, to compleat the running the said Line of Jurisdiction between the Commonwealth of Massachusetts, and the State of New York, on the easterly part of the State of New York: And the said Commissioners shall, at or before the expiration of the said term, compleat the business of their Commission, and make a true and exact return thereof into the Secre-

Further term allowed the Commissioners, for running the line of jurisdiction.

tary's office of the United States, to be there filed, as a perpetual evidence of the said Jurisdiction line.

March 1, 1787.

1786. — Chapter 71.

[January Session, ch. 21.]

Chap. 71 AN ACT FOR DIVIDING THE COUNTY OF HAMPSHIRE INTO THREE DISTRICTS, FOR THE PURPOSE OF CHOOSING REGISTERS OF DEEDS, AND FOR DETERMINING THE PLACES AT WHICH COURTS OF PROBATE SHALL IN FUTURE BE HOLDEN IN THE SAID COUNTY.

Preamble.

Whereas a great part of the inhabitants of the County of Hampshire, by reason of their distance from the place, where the Office of Register of Deeds by the laws now in being, is directed to be kept, are subjected to great inconvenience in procuring their Conveyances of real estate to be recorded: for remedy whereof in future:

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, that the Towns and Districts, of Northampton, Hadley, Hatfield, Southadley, Southampton, Amherst, Granby, Belchertown, Ware, Pelham, Greenwich, Middlefield, Williamsburgh, Chesterfield, Worthington, Cummington, Goshen, Plainfield, Chester, Norwich, Westhampton and Easthampton, and such gores or tracts of land unincorporated, as may lie between any of the said Towns, be and they hereby are constituted a District for the Registry of Deeds; and the inhabitants of the said Towns and Districts, are hereby authorized to choose a Register of Deeds, for the said District, in the manner provided by law; and the Register so chosen shall keep his Office within the said Town of Northampton; and Eleazer Porter, Esquire, of said Hadley, is hereby authorized and empowered to issue his Warrants, directed to the Selectmen of the several Towns and Districts aforesaid, ordering them forthwith to convene the inhabitants of their respective Towns or Districts, qualified to vote for Representatives, that they may proceed to the choice of some meet person, qualified by law, for the Office of Register of Deeds, and ordering the Selectmen to seal up and transmit a transcript of the record of the number of votes, and person or persons voted for, in their respective towns or Districts, together with the Warrants, to the Court of

Eleazer Porter, Esq; of Hadley, to issue his warrant for calling a meeting in the several towns, for the choice of a register of deeds.

General Sessions of the Peace next to be holden at *Springfield*, within and for the County of *Hampshire*, on the third Tuesday of *May* next, to be opened and compared with the like Returns from the other Towns in such District; and the person having the majority of votes, after being sworn, and giving bond as by law directed, shall be the Register of Deeds in the said District, and shall continue in the said Office, until the last day of *March*. One thousand seven hundred and ninety one, and until another is chosen.

Be it further Enacted, that the Towns, Plantations and lands in the said County of *Hampshire*, which lie north of the Towns above enumerated, be and they hereby are constituted a separate District for the Registry of Deeds; and the inhabitants of the said towns and Plantations are hereby authorized to choose a Register of Deeds for the said District, in the manner provided by law; and the Register so chosen shall keep his Office in the Town of *Deerfield*, within the said District: and *David Smead*, esqr. of *Greenfield*, within the said District, is hereby authorized to issue his Warrant to the Selectmen of the several Towns, and to some principal inhabitant of each of the Plantations in said District, in manner, and returnable as aforesaid; and the votes being opened and compared in the said Court of General Sessions of the Peace, the person having the majority of votes, after being sworn and giving bond as aforesaid, shall continue in the said Office, until the last day of *March* above mentioned, and until another is chosen; and if it shall appear that no person has a majority of votes in the said Districts, or either of them, the same proceedings shall be had, as are directed by law in other cases of vacancy, in the Office of Register of Deeds.

And be it further Enacted, that the persons chosen as aforesaid shall be subject to the rules and disqualifications to which Registers of Deeds, for the several Counties, are subject; and from and after the first day of *June* next, shall be fully authorized and empowered to Register and record all Deeds of conveyance, of any lands or other real estate lying within the Districts for which they are respectively chosen; and the record of Deeds as aforesaid shall be valid to all intents and purposes whatever; and the record of any Deeds of conveyance of land or other real Estate, lying within the said Districts, which after the

Towns & plantations north of those before enumerated, constituted a separate district for the registry of deeds.

David Smead, Esq; to call a meeting.

said first day of *June* shall be made by any other than the persons to be chosen as aforesaid, by the said Districts respectively, shall be void and of no effect; and the Registers to be chosen as aforesaid, shall be intitled to the same fees in the Execution of their respective Offices, as Registers of Deeds in the several Counties are intitled to.

Towns, districts and plantations, south of those before-enumerated, shall be a seperated district.

And be it further enacted, That the Towns, Districts, Plantations and lands in the said County of *Hampshire*, which lye south of the Towns above enumerated, shall be a seperate District for the Registry of Deeds, in which District the Office of Register shall be kept in the Town of *Springfield*; and nothing in this Act shall be taken in any manner to affect the choice of the present Register of Deeds for the said County, so far as it respects the District last aforesaid.

And whereas it would be convenient for the inhabitants of the said County of Hampshire, if the Courts of Probate to be holden therein, should be holden in divers parts of the County:

Places for holding Courts of Probate.

Be it therefore Enacted by the authority aforesaid, that the Judge of Probate for the County of *Hampshire*, be, and hereby is directed, from and after the first day of *June* next, to hold his Courts of Probate within the said County, at the following places, *to wit*, three in the Town of *Springfield*, three in the Town of *Northampton*, three in the Town of *Hadley*, and three in the Town of *Deerfield*, annually, any usage or custom to the contrary notwithstanding.

March 1, 1787.

1786. — Chapter 72.

[January Session, ch. 22.]

Chap. 72 AN ACT TO EMPOWER THE TOWN OF *LEBANON*, IN THE COUNTY OF *YORK*, TO ASSESS AND COLLECT A TAX UPON THE LANDS LYING WITHIN THE SAME, FOR MINISTERIAL CHARGES, THAT HAVE ARISEN SINCE *JUNE* THE TWENTY SIXTH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY TWO, AND SUCH AS MAY HEREAFTER ARISE.

Preamble.

Whereas the Proprietors of the common and undivided lands in the Plantation of Lebanon, in the County of York, in the year one thousand seven hundred and sixty five, and long before the same was incorporated into a Town, contracted with Mr. Isaac Hasey, in consideration of his settling in the Work of the Ministry in said Place, to pay

him annually, eighty six pounds, thirteen shillings and four pence, for the first eight years; and seventy three pounds, six shillings and eight pence annually, after that time, during his Ministry in said Township: Which contract on the part of said Hasey, has hitherto been fully complied with; and the said Hasey, yet remains the settled ordained Minister of the Church and Congregation in said Town; and said Proprietors have paid and satisfied the annual sums agreed upon with said Hasey, until the twenty sixth day of June, one thousand seven hundred and eighty two; since which time the annual Salary due to said Hasey, for his Ministerial Labours in said Town, is in arrear and unpaid; and near or quite all the Lands are divided and held in severalty, whereby the Proprietors of the said common and undivided Lands, find themselves utterly unable (agreeably to the Laws of the Government as they now stand) to comply with their said Agreement by assessments thereon:

And Whereas the Inhabitants of the said Town of Lebanon, have, together with a number of the non-resident Proprietors of Lands in said Town, petitioned this Court, that they the said Inhabitants, in their corporate capacity, may be authorized to assess the Lands in said Town, improved and not improved, for the purpose of raising a sum of Money sufficient to pay the said Isaac Hasey, the Salary that is now due to him, for past services: and also to assess such a sum annually on the said Lands, as will pay the said Hasey, the aforementioned sum of seventy three pounds, six shillings and eight pence, during his Ministry in said Town, according to the original Agreement with the said Proprietors:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that it shall and may be lawful for the Assessors, or the major part of them, for the Town of Lebanon, in the County of York, for the current year, and they are hereby authorized and empowered, and directed, to assess upon the Lands, and upon every acre thereof, within the bounds and Jurisdiction of the said Town, improved or not improved, equally (excepting such lands as are by Law exempted from Taxation for the support of Government) its rateable proportion of three hundred and thirty pounds, being the Salary due to the said Hasey, to the twenty sixth day of December, one thousand seven hun-

Assessors authorized to assess taxes for the ministerial salary already due.

dred and eighty six, together with such sum as shall be necessary for defraying the expence of assessing and collecting the same, not exceeding *four per cent*; and the same assessment to deliver to the Constable or Collector of the said Town, or such one as shall by them the said Assessors, or the Inhabitants of said Town, be employed or appointed therefor, with Warrants therefor to collect and pay the same into the Treasury of the said Town of *Lebanon*, one moiety by the first day of *May*, and the other moiety by the first day of *July* next; and the said Assessors shall in a column of their rate list, express the number of Acres, each Resident in said Town is Assessed at: and also the quantity of Acres each non-resident is assessed at, where the Proprietor is known; and in such cases where the Owner or Proprietor is unknown, the quantity of Acres, with some description thereof, shall also be put down in the said rate list.

— directed to assess taxes for such salary, annually.

And be it further enacted by the authority aforesaid, that the Assessors of the Town of *Lebanon*, that may be hereafter chosen in *March* or *April* annually, be and hereby are in like manner, fully authorized, empowered and directed, annually, to assess the Lands, improved and unimproved, lying within the bounds and jurisdiction of the said Town, equally, upon every Acre thereof, (excepting such Lands as are or may by Law be exempted from taxation for the support of Government) its rateable proportion of *seventy three pounds, six shillings and eight pence*, for said *Hasey's* annual salary, during his Ministry in said Town, together with the necessary charges and expences for assessing and collecting the same, not exceeding *eight per cent*: and the same assessment to commit to the Constable or Collector of the said Town, for the time being, with warrants for collecting and paying in the same, to the Treasurer of the said Town, for the time being, or his successor in Office, by the last day of *December* annually.

In case the owner of any land shall not pay the tax assessed, within 30 days after notice given, the Collector may sell so much as will discharge the same.

And be it further enacted by the authority aforesaid, that in case the Owner of any Lands assessed as aforesaid, and living in said Town, shall not within thirty days after notice given by the Collector, to pay the said tax (which notice may be personal or by posting up the same in writing at the usual place of attending public worship in said Town, for the space of thirty days) he may sell and dispose of so much of the lands taxed, at public vendue, to

the highest bidder, as will raise sufficient money, to pay the same and the necessary charges of notifying and selling; public notice of the time and place of sale, being made known, by posting up the same in some public place or places in said Town, fourteen days or more before the sale, in writing: and when no person shall appear to discharge the tax, on non-resident Proprietors Lands, the Collector shall publish the several divisions, ranges and numbers, with the sums on them respectively assessed, together with the names of the non-resident Proprietors, (if known) three weeks successively in the news Paper of such Printer, as shall print the Acts and Laws of the General Court, or the Votes or Journals of one of the Branches thereof: and if no Person shall appear in one Month next after the first publication of such Tax, in the said Paper, to pay the said Taxes, with charges of notifying; the said Collector may proceed to make sale of so much of such non-resident Proprietor's right, share, lot or lots, as shall be sufficient to discharge the said Taxes, and all intervening charges, to the highest bidder, at public auction: notice likewise having been given of the time and place of sale, by notifications thereof in writing being posted up, in some public place or places in the said Town, fourteen days or more beforehand; and the Constable shall in all cases of Vendue, in consequence of this Act, wait one hour after the appointed time for sale, that sufficient time may be had for bidders to attend; and he shall also have power to adjourn the sale, from day to day, if necessary to compleat the sale, not exceeding three days (waiting as aforesaid) and shall give and execute a deed to the purchaser or purchasers, expressing therein the cause of such sale, and saving to the Proprietor or Proprietors the right of redemption of any lands so sold, at any time within one year from the time of such sale: and the same shall be reconveyed to him or them, on paying within one year as aforesaid, the sum such land sold for and *fifteen per cent.* added to the said sum, if the Proprietor was a resident at the time of sale in the Town, and *twelve per cent.* to such as are non-residents, together with the necessary charges thereon. And the Town Treasurer of *Lebanon*, for the time being, is hereby authorized and empowered to inforce the payment of the said tax from the Constables or Collectors, in the same way and manner, he is or may by Law be authorized to inforce the payment of other Town Taxes.

Directions respecting non-resident proprietors.

Lands lying in Lebanon, shall be charged with the payment of taxes made in consequence of this act.

Proviso.

And be it further enacted by the authority aforesaid, that the Lands, improved or not improved, lying within the bounds and Jurisdiction of the Town of *Lebanon*, (excepting such as are or may be by Law exempted from taxation for the support of Government) shall be and hereby are charged with the payment of the Taxes that may be made in consequence of this Act.

Provided always, that it shall be in the power of the Inhabitants of the said Town of *Lebanon*, in Town Meeting legally assembled, to direct their Assessors to place such part of the said annual Salary on the Polls and Estates within their Town, if they think proper, not exceeding the proportion of other Town Taxes.

And Whereas the power of complying with the Agreement made with the said Hasey, by the Proprietors, respecting the payment of his Salary, will by this Act be compleatly transferred to the Inhabitants of the said Town of Lebanon, which agreement was originally entered into by said Proprietors, for the use and benefit of the Inhabitants, during their inability to make or comply with such a contract; it is therefore reasonable that they on their part, should be hereafter subjected to the fulfilment and compliance with the said contract:

Agreement of the proprietors of Lebanon, transferred to the inhabitants.

Be it therefore further enacted by the authority aforesaid, that the Contract and Agreement of the Proprietors of *Lebanon*, made with said *Hasey*, so far as it relates to the payment of his salary, as before-recited, already due, and such as may hereafter become due, during the time Mr. *Hasey* shall continue in the Ministry in said Town, shall be and hereby is transfered from the said proprietors, to the Inhabitants of the said Town of *Lebanon*, in as full and ample a manner, as if the said Inhabitants had in their corporate Capacity, originally made and entered into the said Agreement.

March 1, 1787.

1786. — Chapter 73.

[January Session, ch. 27.]

Chap. 73 AN ACT, ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS AND OTHER PERSONS HEREAFTER MENTIONED, AND FOR REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of

the same, That from and after the first day of *August*, one thousand seven hundred and eighty seven, the fees of the several officers and other persons hereafter mentioned, shall be as follows, *viz.*

Justices Fees.

For every blank writ of attachment and summons there- Justices fees.
on, or original summons, *one shilling*. The declaration in a writ triable before a Justice, *one shilling and eight pence*. *Subpœna* for one or more witnesses, *four pence*. Entry of an action or filing a complaint, in civil causes, *one shilling*. Filing papers, *one penny* each paper. Writ of execution, *one shilling and four pence*. Examining, allowing and taxing a bill of cost, *three pence*. Entering up judgment in civil or criminal causes, and recording the same, *one shilling and four pence*. Copy of every evidence, original paper, or record, if under a page, *six pence*, if one page or upwards, at the rate of *eight pence* per page. A recognizance or bond of appeal, including principal and surety, *one shilling*. Taking affidavits out of Court, in order for the trial of any cause, *one shilling*, and for the Justices travel every ten miles, *two shillings and six pence*, the same for returning, and so in proportion; the travel to be certified by the Justice to the Court, before whom the cause is to be tried, and for writing deposition, caption and notification, at the rate of *eight pence* a page. Taking affidavits *in perpetuam rei memoriam*, to each Justice, *one shilling*, and writing the same and travel as aforementioned. Administering an oath, to persons appointed to appraise estates, or to appraise and divide real estates, together with certificates of the same, *one shilling*. Administering an oath to one or more witnesses, at the same time, before referees or arbitrators, *one shilling*, for travel for that purpose, the same as in taking affidavits. Taking the acknowledgment of a deed, with one or more seals, provided it be at one and the same time, and certifying the same, *eight pence*. Receiving a complaint, and issuing a warrant in criminal cases, *two shillings*. Granting a Warrant, swearing appraisers relating to strays, and entering the same, *one shilling and six pence*. Administering oaths in all other cases, with certificates, except oaths to town, district or parish officers, *one shilling*. Trial of an issue, *two shillings*.

Coroners Fees.

Coroners fees.

For serving a writ, summons or execution, and for travel in returning the same, or for returning an inquisition, the same allowance as is by this act allowed to Sheriffs. Bail bond, *one shilling*. Every trial where the Sheriff is concerned, *one shilling*. Attending the Jury, *one shilling*. Granting a warrant and taking inquisition on a dead body, *four shillings*; if more than one at the same time, and who came to their death by the same means, *one shilling* for every other after the first. Travel and expence for taking an inquisition, *four shillings*, per day. The foreman of the Jury at the rate of *Three shillings* and *six pence*, per day, for time and expences, and to every other Juror, at the rate of *Three shillings* per day, exclusive of travel, for which, if above four miles, he shall have *two pence* per mile, out and home. The Constable for his attendance and expences, in summoning a Jury, *four shillings* a day; and all the aforesaid charges of the inquisition shall be paid out of the County Treasury, except such as are taken upon bodies of strangers, not belonging to this Commonwealth, and in such case, the expence shall be paid out of the Treasury of this Commonwealth; such account of expences, being first examined and allowed by the Court of General Sessions of the Peace, in the County in which such inquisitions shall be taken.

Judge of Probate's Fees.

Judge of Probate's fees.

For granting administration, *three shillings*. Appointing or allowing Guardian to minors, *two shillings*; and if for more than one minor to the same Guardian, *three pence* each, for all above the first. A decree respecting the probate of a Will or codicil, *three shillings*. Examining and allowing an inventory, and swearing the executor or executors, administrator or administrators, *one shilling*. Swearing the appraisers, *nine pence*. Examining and allowing accounts, *two shillings*. A Decree for settling intestate estates, *two shillings*. A citation, *nine pence*. Summons for witness, *four pence*. A *quietus*, *one shilling*. A Warrant to appraise or divide estates, *one shilling* and *six pence*. Issuing commissions to receive and examine creditors claims, when estates are represented insolvent, *one shilling*. An order of distribution, *one shilling*. Granting an appeal to the Supreme Court, *one shilling*.

Register of Probate's Fees.

For writing bond, and letter of administration, *two shillings*. Writing bond and letter of Guardianship and making record thereof, *three shillings*, for one minor, and if for more than one minor to the same Guardian, then *two pence* each, for every additional one after the first. Drawing a decree respecting the probate of a Will or Codicil, *two shillings*. Writing bond for the executor, *one shilling*. Writing a Warrant to appraise the estates of persons deceased, *one shilling*. A Warrant to divide an intestate Estate among the heirs, *one shilling*. Writing a Warrant to set off a Widow's dower only, or a warrant to examine the claims on an insolvent estate, *one shilling*. For entering on an inventory the oath of the executor or administrator, *eight pence*. Entering on the account of an executor or administrator or Guardian, an allowance thereof, *eight pence*. Drawing up a decree on the settlement or partition of estates, *one shilling*. Drawing an order of distribution, *one shilling*. A *quietus*, *one shilling*. A citation, *nine pence*. A summons for a Witness or Witnesses, *four pence*. Proportioning an insolvent estate among the creditors, at the rate of *Three shillings* for every twelve creditors, every creditor's proportion being severally distinguished. Recording a will, inventory, account or other matters, for every page, *eight pence*. Copy of a will, inventory, or other paper, for each page, *eight pence*. Bond of appeal, *one shilling*.

Register of Probate's fees.

And be it further enacted, that whenever any fees shall be paid into the Probate office, a particular account of such fees, and for what they accrued, shall before payment (if demanded) be by the Judge or Register sit down in writing and given to the party paying the same; and any fees received without being thus ascertained in writing (when demanded as aforesaid) shall be deemed illegal fees; and the person or persons receiving the same, shall forfeit and suffer treble the sum by him so received, and be liable to an action of debt to be brought by him who shall so pay the same, in any Court proper to try the same.

*In the Court of Common Pleas.**Justices Fees.*

For the entry of every action, *two shillings* and *eight pence*. and for every action where an issue in law or fact

In the Court of Common Pleas. Justices fees.

is joined, *four shillings*, in addition to the fee for entry. Taxing a bill of cost, *six pence*. Granting an appeal and taking a recognizance of the principal and surety or sureties, *one shilling*. Proving a deed, *one shilling*. Surrender of the principal in Court by his surety or sureties, *eight pence*. Granting a writ of protection, *one shilling*. Entering a petition and making an order thereon, for the sale of real estates, *three shillings*.

Clerk of the Common Pleas.

Clerk of the
Common Pleas.

Every action entered, *one shilling*. Entering and recording a verdict or report of referees, *six pence*. Every action withdrawn, or non-suit, *four pence*. Confessing Judgment, or default, or joinder, or demurer, *six pence*. Entering up judgment and recording the same at large, *one shilling*. Acknowledging satisfaction of a judgment on record, *four pence*. Entering an appeal and recognizing principal and sureties, *eight pence*. Examining and casting each bill of cost, *six pence*. Filing each paper, *one penny*. Continuing each cause to the next term, *six pence*. Entering the surrender of a principal in Court, and making a record thereof, *eight pence*. Entering a rule of Court upon the parties submitting a cause to referees, *six pence*. Every blank writ and summons, *six pence*. A blank *scire facias*, *six pence*. A blank original summons, *six pence*. An original, or alias execution in personal matters, and filing the same when returned, *one shilling*. Every writ of possession in real actions, *two shillings*. A writ of protection or *habeas corpus ad testificandum*, *one shilling*. Each *venire facias* for Jurymen, to be paid out of the County Treasury, *two pence*.

In the Court of General Sessions of the Peace,

In the Court of
General Ses-
sions.

To each Justice for every day's constant attendance in Court, *four shillings*; and no Justice shall be allowed pay for more than two days attendance at any one term; Travel for such Justices as are ten miles and upward distant from the Court House, or place where the Court sits, *four shillings* for every twenty miles, computing out and home; the travel and attendance to be paid out of the County Treasury, except such Justices as are sworn attornies at law, or Clerks of the several Courts of Sessions, who shall not be allowed for travel or attendance. The Clerk to keep an account of their attendance as afore-

said; and all fines and forfeitures assessed by the same Court, and not otherwise appropriated by law, to be paid into the County Treasury, for the use of the County.

Clerks of the Sessions Fees.

Entering an indictment, complaint, presentment or information, *one shilling*. Recording the Judgment of the Court thereon, *eight pence*. Discharging a recognizance, *six pence*. Each warrant for criminals, *one shilling*. Each summons or *subpoena* for witness or witnesses, *four pence*. Each recognizance for innholders or retailers, including principal and sureties, and for transmitting the name of the licenced person to the Selectmen, and recording the licence, *eight pence*. A warrant for County tax, *one shilling*. Warrant to lay out or alter a road, *one shilling*. Examining and casting the Grand Jurors account, yearly, and order thereon, *one shilling and six pence*. Examining any other account, *four pence* each. Recording the reports of high-ways and other matters, by order of Sessions, *eight pence* a page. Copies of all records or original papers, *eight pence* a page. Filing each paper, *one penny*. Entering an appeal and recognizing the principal and sureties, *eight pence*.

Clerks of the Sessions fees.

In the Supreme Judicial Court. Justices Fees.

Entering an action or complaint, *five shillings and four pence*. Taking special bail, *two shillings*. Allowing a writ of error, or granting *Certiorari*, *habeas corpus*, or other writ on motion, *two shillings*. Granting a writ of protection, *one shilling and six pence*. Proving a deed, *one shilling*. Entering a petition and making order thereon, for the sale or partition of real estates, *six shillings*. Accepting partition of real estates, *two shillings*. Taxing a bill of cost, *one shilling*. The foregoing fees to be paid to the Clerk of the said Court, who shall some time in the month of *December*, annually, certify to the Governor and Council, the sums by him so taken and received, and paid over to the said Justices, that the same may be deducted from the last quarter of the said Justices yearly salary; and the Governor and Council are hereby empowered to deduct the same accordingly.

In the Supreme Judicial Court. Justices fees.

Clerks Fees in the Supreme Judicial Court.

Entering each action for trial, *Three shillings*. Entering each complaint, *one shilling and six pence*. Receiving

Clerk's fees in the Supreme Judicial Court.

and recording a verdict, *one shilling*. A writ of review, *three shillings*. A writ of *scire facias*, *two shillings*. A writ of execution, *one shilling and six pence*. A writ of *facias habere possessionem*, *two shillings and six pence*. A writ of *habeas corpus*, *two shillings*. Copies of all records, each page, *eight pence*; less than a page, *six pence*. Entering a rule of Court, *nine pence*. Confessing judgment or default, *one shilling*. Every action withdrawn, or non-suit, *one shilling*. Entering an appearance, *six pence*. Acknowledging satisfaction of a judgment and record, *eight pence*. Examining each bill of cost, *eight pence*. Continuing each cause and entering the same next term, *one shilling*. Filing each paper in each cause, *one penny*. Proving a deed in Court, and certifying the same, *one shilling*. Entering up judgment and recording the same at large, *two shillings*. Each *venire*, to be paid out of the County Treasuries respectively, on the Justices certificate, *three pence*. Every writ and seal other than before mentioned, *two shillings*. Every *subpœna* for one or more witnesses, *six pence*. Each recognizance, including principal and sureties, *one shilling*. A writ of protection, *one shilling*. Entering a discharge of a recognizance, by proclamation, *nine pence*.

Attornies Fees, and allowance to Parties and Witnesses.

Attornies fees,
&c.

To parties recovering cost for an Attorney, or Counsellor's fee, when Counsel is employed, where an issue in Law or fact is joined in the Supreme Court, *twelve shillings*. and for all other causes in said Court, and all causes in the Court of Common Pleas, and Court of General Sessions of the Peace, where an issue in Law or fact, is joined, *six shillings*. and for all other causes in said Court, *six shillings*.

For Parties recovering costs, whether in the Supreme Judicial Court, Court of Common Pleas, General Sessions of the Peace, or before a Justice, *one shilling and six pence*, for each day's attendance and travel; ten miles to be accounted as one day; no allowance to be made for travel to or from the Clerk's Office, in order to make out a Writ or Summons, or carry the same to an Officer: and no Plaintiff shall be allowed more than two days attendance, when the defendant is defaulted, unless the Defendant appears in Court and makes answer to the Plaintiff's suit, in which case, if the defendant is afterwards de-

faulted, no attendance shall be taxed for the Plaintiff, after the day when such default happens.

In criminal causes, where one or more Defendants are tried by the Jury, at the same time, in the Supreme Court, or where the cause is determined by an issue in law, *twelve shillings*; and if no trial by Jury, and the cause is not determined by an issue in Law, *six shillings*; and in the Court of General Sessions of the Peace, the same allowance for Counsel, as in the Common Pleas.

Drawing an Indictment in the Sessions, *three shillings*.

Drawing an Indictment in the Supreme Judicial Court, *six shillings*.

Witnesses in civil or criminal causes, whether in the Supreme Judicial Court, Court of Common Pleas, Court of General Sessions of the Peace, *three shillings* a day, and *two pence* for each mile's travel going out and returning home; and before a Justice of the Peace, *two shillings* per day; and the travel, the same as at other Courts; provided the said Witnesses do personally attend either of the said Courts and give in, in writing, to the Clerk of said Court, his time and travel.

Sheriffs and Constables Fees.

For the service of an original summons or *scire Facias*, on one Defendant for trial, either by reading the same, or by copy, *one shilling* and *four pence*, if served on more than one Defendant, then for each other Defendant so served, *one shilling* and *four pence*. Sheriffs and Constables fees.

For service of a *Capias* or Attachment on one Defendant, with or without Summons, *one shilling* and *four pence*; if served in like manner on more than one Defendant, then for each other so served, *one shilling* and *four pence*; and where the Officer is by law directed to leave a copy, in order to compleat the service, he may charge at the rate of *eight pence* a page. For a bail bond and writing the same, including principal and sureties (to be paid by the person admitted to bail) *one shilling*.

Serving a Writ of possession, exclusive of the poundage, on the cost of Court, *five shillings*, if on more than one piece of land, *three shillings* each.

The fees for collecting the cost on a Writ of possession, the same poundage as in personal actions.

Serving a Warrant, *one shilling* and *four pence*. Sheriff's aid in criminal cases to each person, *four shillings*

including expences, for every twelve hours; and so in proportion for a less time, and *two pence* for each mile's travel going out and returning home.

Summoning Witnesses in criminal cases, *six pence* for each Witness, and travel as in civil causes, unless in special cases, when the Court may increase the fee to what they shall judge reasonable.

Levying Executions in personal actions, *viz.* for the first *twenty pounds* or under, *eight pence a pound*: above that, not exceeding *forty pounds*, *four pence a pound*, above that, not exceeding *one hundred pounds*, *two pence a pound*, for all above *one hundred pounds*, *one penny a pound*.

Provided nevertheless, that the Sheriff or other Officer who may serve any execution, issued by the Treasurer of this Commonwealth, or by any County or Town Treasurer, against any Constable or Collector of public, County or Town taxes, shall not be intitled to demand or receive more than half the poundage, and half the travel which is allowed in other cases.

Travel for the service of each Execution or mean process, or warrant to him directed, *two pence* a mile, the travel to be computed from the place of service to the Court where the Writ or Execution shall be returned, by the way that is most commonly used; but one travel to be allowed to one Writ or Execution, and if the same be served on more persons than one, the travel to be computed from that place of service, that is most remote from the place of return, with all further necessary travel in serving such Writ or Execution; the travelling fee, and fees of service, to be endorsed by the Sheriff or his Deputy, on each mean process, or execution, otherwise not to be allowed.

Serving an Execution upon judgment of Court, for partition of real estate, or for assigning dower, *five shillings* a day, and *two pence* a mile out, from the place of his abode.

Every trial, *six pence*. Every Default, *three pence*.

Returning the certificate of Votes, of the several Towns, for a Governor, &c. to the Secretary's Office, *four pence* per mile, computing from his abode, to the Secretary's Office; to be paid out of the County Treasury, and but one travel to be allowed for the whole.

To the officer attending the Grand Jury, each day, *two*

shillings and six pence. To the Officer attending the Jury for trial, *one shilling*, for every cause, to be paid with the Jury's fees.

For dispersing *Venires* for Jurymen, from the Clerk of the Supreme Judicial Court, Treasurer's Warrants, and Proclamations of all kinds, *three pence* each.

To each appraiser of real estates, for extending Executions, or assigning dower, *four shillings* a day, and so for a longer or shorter time.

Every Constable who shall attend the Supreme Judicial Court, or Court of General Sessions of the Peace, or Common Pleas, by their order, *three shillings* a day, to be paid out of the County Treasury; and for encouragement unto the Sheriff to take and use all possible care and diligence, for the safe keeping of the Prisoners, that shall be committed to his custody, he shall have such salary allowed him for the same, as the Justices of the Court of General Sessions of the Peace, within the same County, shall think fit to order, not exceeding *ten pounds* a year for the County of *Suffolk*; and not exceeding *five pounds* each, for the other Counties within the Government, at the discretion of the Court of Sessions, to be paid out of the Treasury of such County.

And be it enacted by the authority aforesaid, that any Constable in any Town in this Commonwealth, be, and he is hereby fully authorized and empowered, to serve upon any person or persons in the Town to which he belongs, any original Writ, Summons or Writ of Execution, in any personal action, where the damage sued for or recovered, does not exceed *twenty pounds*, and return thereof to make to any Court proper to try the same.

Criers Fees:

Calling a Jury, *four pence*, to be paid with the Jury fees. Criers fees.

A default or non suit, a judgment assigned or complaint, a verdict or demurrer, *eight pence* each.

Discharging a recognizance by Proclamation, *four pence*. Said fees to be paid to the Clerks of the respective Courts for the use of the Crier.

Goalers Fees.

For turning the Key on each Prisoner committed, *two shillings*, viz. *one shilling* in, and *one shilling* out. Goalers fees.

Dieting each person, such sum weekly as the Court of Sessions shall judge reasonable.

Grand Jurors Fees.

Grand Jurors
fees.

Foreman, *four shillings*, per day.

Each other Juror, *three shillings* and *six pence*, per day, and *two pence* per mile for each mile he shall travel going out and returning home, and but one travel at each term.

Jurors for Trial, their Fees.

Jurors for trial,
their fees.

To the Foreman in every cause, at the Supreme Judicial Court, the Court of Common Pleas, and Court of General Sessions of the Peace, *three shillings* and *six pence*.

To every other Juror, *three shillings*; their allowance for travel to be the same as the Grand Jury's, and to be paid out of the County Treasury.

For Marriages, &c.

For marriages,
&c.

To the Town Clerk for publishing the banns of matrimony, and making a record thereof, *one shilling*, and recording the Marriage when the certificate is returned by the Minister, or Justice officiating, *six pence*, and to the Clerk of the Sessions, to be paid by the respective Town Clerks, *two pence*.

Every Certificate of a publishment, *six pence*. Recording births and deaths, *two pence*.

For each Marriage, to the Minister or Justice officiating, and for certifying the same to the Town Clerk, *six shillings*.

To the Town Clerk for a certificate of the births or deaths of every person, *four pence*.

Fees in the Secretary's Office.

Fees in the Sec-
retary's office.

For each Register, exclusive of Naval Officer's fees, *three shillings*.

For a certificate under the Seal of the Commonwealth, for the benefit of particular persons, *three shillings*.

Every order of notice from the General Court, upon petition, *two shillings*.

Every other order of the General Court, for the benefit of particular persons, *one shilling*.

For a Commission or letter of marque and reprisal, and for other papers accompanying the same, *eighteen shillings*.

For all copies for the benefit of particular persons, at

the rate of *nine pence*, a page; and a page in this Act, is meant twenty eight lines of eight words to a line, or two hundred and twenty-four words.

The Secretary shall keep an account of all fees by him taken as Secretary, by virtue of this Act, that the General Court may once a year, know the amount thereof, and take the same into consideration at the time of making a grant to him for his services.

To the Captain of Castle William.

For a pass by the Castle for each Vessel, *one shilling and six pence*, except for wood sloops and other coasting Vessels, for which passes have not been usually taken out.

To the Capt. of Castle-William.

Messenger of the General Court.

Serving every Warrant which the General Court or either House may grant, for arresting, imprisoning, or taking into custody any person, *two shillings*.

Messenger of the General Court.

For travel each mile out, and the same returning, *three pence*.

For keeping and providing food for such person, *two shillings* a day.

For his discharge or dismissal, *two shillings*.

County Registers Fees.

For entering and recording a deed of partition or other paper, of the length of one page or under, *nine pence*; and for certifying on the original, the time when, the book and page where, the same is recorded, *three pence*; if the instrument recorded exceed a page, *eight pence* a page, for as many pages as it contains, the fees to be paid at the offering the instrument.

County Registers fees.

For all copies, at the rate of *eight pence* a page.

For entering in the margin, the discharge of a Mortgage, to be signed by the person discharging the same, *eight pence*.

And be it further enacted, that the Clerks of the several Courts, and other persons keeping public Offices, shall constantly have a list of the fees by this Act prescribed, so far as it relates to them, respectively, printed or wrote out in legible characters, and hung in some convenient place in their respective Offices; and any person that shall demand any greater fee or fees for any of the services aforesaid, than are by this law provided, he or they shall forfeit and

Penalty for demanding a greater fee than is by law provided.

pay for every offence the sum of *ten pounds*, with costs of suit, to him or them that will prosecute and sue therefor, by action of debt, within one year after the offence committed, in the Court of Common Pleas.

Upon conviction thereof, such persons shall be adjudged incapable of sustaining any office, &c.

And be it further enacted by the authority aforesaid, That any person who shall willfully and corruptly demand and receive, any greater fee or fees for any of the services aforesaid, than are by this Law provided, and shall be convicted thereof, upon an indictment of the Grand Jury in the Court of General Sessions of the Peace, or at the Supreme Judicial Court, may, over and above the fine of *ten pounds*, be adjudged incapable of sustaining any Office within the Commonwealth, for a term of time not exceeding seven years from the time of such conviction: *Provided* the information or indictment be filed within one year next after the Offence was committed.

Proviso.

Acts heretofore made, declared null and void.

And be it further enacted, that from and after the first day of *August*, one thousand seven hundred and eighty seven, all Acts and Laws heretofore made for regulating and establishing the fees herein-mentioned, shall cease to operate, and become null and void. *February 28, 1787.*

1786. — Chapter 74.

[January Session, ch. 23.]

Chap. 74 AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT IN ADDITION TO AN ACT, PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND SEVENTY THREE," ENTITLED "AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH, IN IPSWICH RIVER, AND TO ENCOURAGE THE INCREASE OF THE SAME.

Preamble.

Whereas in and by the said Act, the duty of persons chosen to carry the aforesaid law into effect is prescribed; but the Towns on said River, are not required to choose such persons:

Enacting clause.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, every Town bordering on *Ipswich River*, where Alewives and other fish go up to Spawn, shall at their meeting in *March* or *April*, for the choice of Town Officers, annually, chuse at least three suitable and fit persons, whose duty it shall be, jointly or severally, to see that the Act, to which this is in addition, be duly ob-

served, and to inform against any person or persons, that shall offend against the same : And all persons so chosen, shall be sworn to the faithful discharge of their duty in such Office ; and if any person chosen as aforesaid, shall refuse or neglect to be sworn, after due notice given, he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of the Town, to which he belongs, to be recovered by the Treasurer of such Town, in any Court proper to try the same ; and such Town shall proceed to a new choice, and so *toties quoties*. March 2, 1787.

1786. — Chapter 75.

[January Session, ch. 24.]

AN ACT FOR DETERMINING AT WHAT TIMES AND PLACES, THE SEVERAL COURTS OF GENERAL SESSIONS OF THE PEACE, AND COURTS OF COMMON PLEAS, SHALL BE HELD, WITHIN AND FOR THE SEVERAL COUNTIES, WITHIN THIS COMMONWEALTH, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 75

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That from and after the first day of *June* next, all the laws heretofore enacted, and now in force, determining the times and places for holding the several Courts of General Sessions of the Peace, and Courts of Common Pleas, within and for the several Counties in this Commonwealth, so far as respects the times and places for holding the said Courts, be, and they hereby are repealed.

Laws heretofore enacted, repealed.

And be it further Enacted by the authority aforesaid, That the times and places for holding the Courts of General Sessions of the Peace, and Courts of Common Pleas, within and for each County in this Commonwealth, shall, from and after the first day of *June* next, be as follows, *viz.*

Times and places fixed, for holding Courts.

Within and for the County of *Suffolk*, at *Boston*, on the first Tuesday in *January*, and the first Tuesday in *July*.

Within and for the County of *Essex*, at *Ipswich*, on the first Tuesday in *April*; at *Salem*, the second Tuesday in *July*; at *Newbury Port*, the last Tuesday in *September*.

Within and for the County of *Middlesex*, at *Cambridge*, on the second Tuesday in *March*; at *Concord*, on the second Tuesday of *September*.

Within and for the County of *Hampshire*, at *Spring-*

field, on the second Tuesday of *February*; at *Northampton*, the last Tuesday in *August*.

Within and for the County of *Plymouth*, at *Plymouth*, on the second Tuesday of *April*, and the last Tuesday of *October*.

Within and for the County of *Barnstable*, at *Barnstable*, on the first Tuesday of *April*, and the first Tuesday of *November*.

Within and for the County of *Bristol*, at *Taunton*, on the second Tuesday of *March*, and the second Tuesday of *September*.

Within and for the County of *York*, at *York*, on the second Tuesday of *April*; and at *Biddeford*, on the second Tuesday of *October*.

Within and for the County of *Dukes County*, at *Edgartown*, on the first Tuesday of *March*; and at *Tisbury*, on the last Tuesday of *October*.

Within and for the County of *Nantucket*, at *Sherburne*, on the last Tuesday of *March*, and the first Tuesday of *October*.

Within and for the County of *Worcester*, at *Worcester*, on the last Tuesday in *March*, and on the first Tuesday in *September*.

Within and for the County of *Cumberland*, at *Portland*, on the last Tuesday in *May*, and on the last Tuesday in *October*.

Within and for the County of *Lincoln*, at *Hallowell*, on the second Tuesday in *January*; at *Pownalborough*, on the first Tuesday in *June*; and at *Waldoborough*, on the second Tuesday of *September*.

Within and for the County of *Berkshire*, at *Lenox*, on the second Tuesday in *September*, and the first Tuesday of *February*.

Appeals already
made, &c. how
returnable.

And be it further Enacted, that all appeals already made, recognizances taken, or that may before the aforesaid first day of *June* next, be made or taken, to any Court of General Sessions of the Peace, and all actions already commenced, or that may be commenced before the aforesaid first day of *June*, and all appeals claimed, or which may be claimed, and all actions pending at any Court of Common Pleas, which before the operation of this Act, should have been holden at any other time or place, than those in this Act affixed, for holding said Courts, shall be returnable to, entered, made, proceeded

on, tried and determined, at the Courts next to be holden in each County, after said first day of *June*, agreeably to the true intent of such Writ, Process, Recognizance or Appeal.

March 2, 1787.

1786. — Chapter 76.

[January Session, ch. 25.]

AN ACT FOR SETTING OFF THAT PART OF THE HOME FARM OF WILLIAM WHITNEY, WHICH LAYS IN THE TOWN OF GARDNER, TO THE TOWN OF WINCHENDON. Chap. 76

Whereas the whole of the home farm of William Whitney, Preamble.
was reserved to the town of Winchendon, when the said town of Winchendon voted, that the Southeasterly part thereof might be annexed to the town of Gardner :

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same, That all that part of the home farm of William Whitney, which lays in the town of Gardner, viz. Part set off.

Lot number thirty seven, part of lots number thirty eight, forty and sixty, be, and hereby are set off from the town of Gardner, and annexed to the town of Winchendon, and shall hereafter be considered as belonging to the said town of Winchendon; any law to the contrary notwithstanding.

March 2, 1787.

1786. — Chapter 77.

[January session, ch. 26.]

AN ACT FOR NATURALIZING WILLIAM MARTIN AND OTHERS. Chap. 77

Whereas William Martin and Elizabeth Martin, William Moch and John Amory, now residing in Boston, in the County of Suffolk, also David Smith and Elizabeth his wife, and their children, Viz. Moses, Ruth, Mercy, Lendall, David, Elizabeth, Hannah, Dorothy, and Godfrey, William Molton, William Haggett, and John Nicholas Rudberg, and Anne his wife, now residing in Portland, in the County of Cumberland, and Thomas Craige, of Billerica, in the County of Middlesex, have severally petitioned to the General Court that they may be naturalized, and be thereby intitled to all the rights and priviledges of free Citizens of this Commonwealth : Preamble.

Be it therefore Enacted by the Senate and House of

William Martin
and others,
naturalized.

Representatives, in General Court assembled, and by the authority of the same, That the aforementioned William Martin and Elizabeth his wife, William Moch, John Amory, David Smith and Elizabeth his wife, and their children, Viz. Moses, Ruth, Mercy, Lendall, David, Elizabeth, Hannah, Dorothy, and Godfrey, William Molton, William Haggett, Thomas Craige, and John Nicholas Rudberg, first taking the oath of allegiance to this Commonwealth, before two Justices of the peace, quorum unus, shall be deemed, adjudged and taken to be free Citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

And be it further Enacted, That the Justices before whom the persons aforementioned may respectively take the oath aforesaid, shall return a Certificate thereof into the Secretary's Office, to be entered on the Records of this Commonwealth.

March 2, 1787.

1786. — Chapter 78.

[January Session, ch. 28.]

Chap. 78 AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT MORE EFFECTUALLY TO PREVENT THE DESERTION OF FRENCH SAILORS.

Power of Jus-
tices of the
Peace.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that when any Seaman, duly and regularly shipped or inlisted on board any Vessel, belonging to the King of France, or to any of his subjects, and lying within any Port of this State, shall desert therefrom, it shall be in the power of any Justice of the Peace, within the same County where such Vessel lies, or of any Justice of the Peace, in the County where such deserter shall be, by Warrant to apprehend such deserter, and to commit him to Goal, in order that he may be forth coming, and delivered by the order of the Justice committing him, or by any other Justice of the Peace, in the County where he shall be committed, to proceed on the voyage or service for which he shall have been inlisted or shipped. And where any Seaman, being a subject of the King of France, shall desert as aforesaid, and the Vessel to which he belongs shall proceed on her voyage, and leave such deserter within the Commonwealth, he may be apprehended on the complaint of the Consul or Vice Consul of France, and be committed as aforesaid, by any Justice

of the Peace, in any County where he may be found, and may be by the order of the Justice, who shall commit him, or by any other Justice of the same County, delivered to the Consul or Vice Consul of *France*, residing within the State, to be by him sent to some part of the dominions of the King of *France*.

Provided that all charges arising on such commitment, shall be paid by the Complainant, as the same shall arise. And

Provided that no Justice of the Peace, shall grant any order for the delivery of any person as aforesaid, untill satisfactory evidence is produced to the said Justice, that the prisoner is a deserter from some Vessel, belonging to the King of *France*, or to his subjects, as aforementioned.

March 2, 1787.

1786. — Chapter 79.

[January Session, ch. 29.]

AN ACT GRANTING CERTAIN PRIVILEGES TO THE PROPRIETORS OF THE SLITTING MILL, IN THE TOWN OF TAUNTON, IN THE COUNTY OF BRISTOL. Chap. 79

Whereas by the laws of this Commonwealth, the proprietors of the Slitting Mill, standing on Mill River, in said Taunton, are deprived of the benefit of the water running in the said River in the month of April and May annually, which is greatly to the damage of the Nail manufactory: Wherefore, Preamble.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the Committee which may be annually chosen by the inhabitants of the Town of Taunton aforesaid, whose business it is to see the Fish Act, so called, put into execution, are hereby impowered and directed to notify some one or more of the Proprietors of said Slitting Mill, that they may stop the water and make use of the same three days in each and every week, in the months of *April* and *May* annually, for the purpose only of slitting Nail Rods, which days the aforesaid Committee are to appoint and to give seasonable notice thereof to the proprietors as aforesaid; any law to the contrary notwithstanding. Enacting clause.

This act shall continue in force for the term of One year from the passing thereof, and no longer. Limitation.

March 2, 1787.

1786. — Chapter 80.

[January Session, ch. 33.]

Chap. 80 AN ACT IN ADDITION TO THE SEVERAL LAWS NOW IN FORCE,
FOR REGULATING AND GOVERNING THE MILITIA OF THIS
COMMONWEALTH.

Preamble.

Whereas by the Laws now in force for regulating and governing the Militia, provision is made that every officer holding a Commission in said Militia, who shall upon trial before a Court martial be found guilty of any unmilitary conduct, either in neglect of duty or disobedience of orders, shall be liable to be sentenced by such Court martial, to be reprimanded by the President thereof, or removed from his office: And whereas in times of public insurrections or rebellion, some commissioned officers may be so lost to a sense of honor, or so inimical to law and government, as to neglect or refuse to make such detachments from the Corps under their respective command, as may be ordered by the commander in chief, notwithstanding the aforesaid provision:

Penalty when
officers refuse
or neglect to
execute orders,
&c.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same, That any officer holding a Commission in the Militia, who shall neglect or refuse to execute any orders he may receive from his superior officer, to make a detachment from the corps under his command, it shall be the duty of the officer who issued such order, immediately to arrest such delinquent officer, bring him to trial therefor, before a General Court Martial, And forthwith give information thereof to the commander in chief; And the officer who issued the orders which shall not have been executed as aforesaid, shall immediately after the arresting of the delinquent officer, proceed by himself or some other officer under his command to make and compleat the detachment ordered as aforesaid. And when any Regiment or Company shall not be organized, the superior officer shall make the detachment from such Regiment or Company, either by himself, or some other officer whom he shall appoint.

And whereas, in and by the laws aforesaid, it is provided, that whenever the Governor or commander in chief shall order a detachment from the Militia, and any person who shall be detached pursuant to such orders, being duly

notified thereof and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders, or shall not within twenty-four hours after he shall have been notified as aforesaid, pay a fine of ten pounds to the Captain or Commanding officer of the Company to which he shall belong, or procure an able-bodied man in his stead, such person shall be considered as a soldier in such detachment, and dealt with accordingly: And whereas it may so happen by the discharge of such detachment, or the absconding of such delinquent, that he may evade his duty, and escape the punishment by law provided for desertion.

Be it therefore enacted by the authority aforesaid, that when any non-commissioned officer or private, shall be a delinquent as aforesaid, and shall endeavour to avoid punishment as aforesaid, or if the detachment shall be discharged before such delinquent shall have been punished, he shall pay a fine of twelve pounds, to be sued for and recovered by the Clerk of the company to which such person belongs, provided the same be sued for within twelve months, after the discharge of such detachment; the said fine to be disposed of, for the purpose of hiring men as provided by the laws aforesaid.

Penalty for delinquent non-commissioned officers or soldiers.

And be it further enacted by the authority aforesaid, that any person who shall desert from any detachment from the Militia, and shall not return to his duty, and by absconding till the discharge of such detachment, shall escape the punishment due in case of desertion, he shall forfeit and pay the sum of twelve pounds, to be sued for and recovered in the manner, and applied for the purpose aforesaid.

Penalty for desertion.

And whereas it is provided in the aforesaid Militia law, "that whenever the Militia or any part thereof, of any town within this Commonwealth, shall be ordered to march for the immediate defence of this or any of the United States of America, the Selectmen of such town shall cause carriages to attend them with necessary provisions and camp utensils, and shall continue to forward to the Commissary, or Deputy Commissary, sufficient supplies for the men marched from their respective towns, until notice shall be given to them by the Commissary or Deputy Commissary, to desist;" but no penalty is annexed for a neglect of said duty in the said Selectmen:

Be it therefore Enacted by the authority aforesaid, That whenever the Selectmen of any town in this Common-

Penalty when selectmen refuse or neglect to

cause carriages] to attend the militia, &c.

wealth from which the Militia, or any part thereof, shall be ordered to march for the purpose mentioned in the said Militia law, shall be notified by any officer of the Militia within the said town, or in case there be no such Officer, by any Officer authorized for that purpose, of the number of men to be marched therefrom, and shall refuse or neglect at the expence of such town to cause carriages to attend them with sufficient supplies of provisions or camp utensils, directed as aforesaid, the town to which such Selectmen belong shall pay a fine not exceeding *fifty pounds*, to be sued for and recovered by any person who shall prosecute the same; one moiety of the sum recovered to go to the use of the prosecutor, and the other to the use of this Commonwealth.

Officers to whom camp utensils shall be delivered by selectmen, shall receipt therefor, &c.

And be it further enacted, That the Officer to whom such camp utensils shall be delivered by the Selectmen, shall give his receipt therefor, and shall take a receipt for the same of the men to whom they may be delivered, to be used with a promise to the Selectmen, named in such receipt, that the utensils shall be returned to the Selectmen by whom they were furnished, if they are not lost or broken by unavoidable accident, and such officer shall be intitled to receive the receipt which shall be given by him as aforesaid, on his producing and delivering to such Selectmen the receipt or receipts containing a promise as aforesaid; and if it shall appear that any utensils furnished as aforesaid, have been lost or broken by unavoidable accident, the value thereof shall be paid out of the Treasury of the Commonwealth, to the Selectmen who furnished the same, or their successors in office, for the use of the town; and the Selectmen of each town are hereby directed to provide and keep in good order, one tin camp kettle for every twenty men, which shall be in the train-band of their respective towns.

And whereas by the said Militia law it is provided, That every non-commissioned officer and private belonging to the Cavalry, shall keep himself provided with a carbine, with a spring and sling and twelve rounds of cartridges and ball for his carbine; but it is found unnecessary that the said non-commissioned officers and privates should be provided with the same.

Non-commissioned officers and privates of the cavalry, excused from

Be it therefore enacted by the authority aforesaid, that the non-commissioned officers and privates, belonging to the Cavalry within this Commonwealth, be, and hereby

are excused from providing themselves with a Carbine and Cartridges for the same, any thing in the said Militia Law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that the proviso in the twentieth enacting paragraph in the militia act, passed in the year of our Lord, one thousand seven hundred and eighty five, giving an appeal from a judgment given by a Justice of the Peace, to the Court of Common Pleas in certain cases; and also, the twenty first enacting paragraph in the same Act, be, and hereby are repealed, so far as may relate to any suit where such appeal shall not be made before the first day of June next, and the judgment of a Justice of the Peace in cases therein described, shall be final and conclusive.

providing themselves with a carbine and cartridges.

Proviso and an enacting clause in a former act repealed.

March 2, 1787.

1786. — Chapter 81.

[January Session, ch. 32.]

AN ACT MAKING PROVISION FOR THE REPAIR AND AMENDMENT OF HIGHWAYS.

Chap. 81

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all highways, town-ways, causeways, and bridges, lying and being within the bounds of any town, shall be kept in repair and amended, from time to time, that the same may be safe and convenient for travellers, with their horses, teams, carts, and carriages, at all seasons of the year, at the proper charge and expence of the inhabitants of such town (where other sufficient provision is not made therefor) and there shall be chosen two or more suitable persons in each town, at the annual meeting in March or April, who shall be denominated surveyors of highways, to be notified and sworn in like manner as other Officers of the same town, and, (in case of refusal to serve,) shall forfeit and pay the sum of three pounds, to the use of such Town, District or Plantation; provided, no person shall be held and obliged to serve more than one year in three years; And the Surveyors thus chosen and sworn, shall have full power and authority to cut down, lop off, dig up and remove all sorts of trees, bushes, stones, fences, rails, gates, bars, inclosures or other matter or thing, that shall any way straiten, hurt, hinder, or incommode the highway or town way, and also

Surveyors of highways shall be chosen annually.

Their power.

to dig for stone, gravel, clay, marle, sand or earth, in any land not planted or inclosed, and the materials thus dug up, to remove to such place or places in the highways, for the repair and amendment thereof, as they shall determine necessary.

Proviso.

Provided always, that no surveyor of highways shall cause any water course, occasioned by the wash of any highway or townway, to be so conveyed by the side of such highway, as to incommode any person's house, store, shop or other building, or to obstruct any person or persons in the prosecution of his or her business or occupation, without the approbation and consent of the Selectmen of such town or other place, signified in writing to such surveyor; and any person or persons who may consider him or herself to be aggrieved by such water course, may complain to the selectmen of such town or other place; and the selectmen, on receiving such complaint, shall proceed to view such water course so complained of, and after attending to the circumstances of the same, shall, if they think it reasonable, direct such surveyor to alter the said water course, in such way and manner as they shall think just and proper; And when the highways are blocked up, or incumbered with snow, the surveyors shall forthwith cause so much thereof to be removed, or trod down, as will render the roads passable.

Selectmen or assessors, to assign limits to the surveyors.

And be it further enacted by the authority aforesaid, that the selectmen or Assessors of each town are authorized, empowered and directed, to assign and appoint in writing, annually, to the surveyors, their several limits and divisions of the highways and town ways, for repair and amendment, unto which assignments the said Surveyors are directed to observe and conform themselves.

Each town shall raise such sum as may be necessary for the repair of highways.

And be it further enacted by the authority aforesaid, That each town, at some public meeting of the inhabitants thereof regularly notified and warned, shall vote and raise such sum of money, to be expended in labour and materials on the highways and townways, as they shall determine necessary for the purpose: And the Assessors shall assess the same on the polls and rateable estates, personal and real, of the inhabitants, residents and non-residents, of their town, as other town charges are by law assessed, and deliver to each surveyor a list of the persons and the sums at which they are severally assessed, for his limits. And the surveyor shall give reasonable notice

Manner of assessing the same.

(in writing if desired) to each person in his list, of the sum he is assessed to the highways and town-ways, and also to the inhabitants within his district, assessed as aforesaid, six days notice (extraordinary casualty excepted) of the times and places he shall appoint for providing materials and labouring; to the end, each person may have opportunity to work on the highways and town-ways, in person or by his substitute, or with his oxen, horses, cart and plough, at the rates and prices the town shall affix to such labour, to the full amount of the sum at which he is assessed; or he may pay the surveyor in money the sum he is assessed, in which case, the surveyor shall carefully expend the sums thus paid, in labour and materials, for repairing the highways and town ways in his limits, according to his best discretion. And the surveyor, at the expiration of his term, shall render to the Assessors, for the time being, a list of such persons as shall have been deficient, (if any such there be) in working out their highway rate; or otherways paying him the sum assessed therefor; which deficient sums, shall by the Assessors be put in a distinct column, in the next assessment for the town tax, and collected by the Constable or Collector thereof, as other town taxes are collected and paid into the town treasury, for the use of the town.

And be it further enacted by the authority aforesaid, that when the sum appropriated and assessed for the repair of the highways and town ways, in the limits of any particular surveyor, shall not fully answer, or be insufficient for that purpose, it shall be lawful for the surveyor with the consent of the Selectmen, or the major part of them, where such deficiency happens, to employ such of the inhabitants of the town, upon the repair of the ways in his limits, as shall make up that deficiency; and the persons thus employed shall be equitably paid out of the town treasury therefor.

And be it further enacted by the authority aforesaid, that it shall be lawful for any person to pull down and remove any gates, rails, bars or fence, upon or across any highway or county road, unless such gate, bars or fence have been erected or continued by the leave and licence of the Court of General Sessions of the Peace, for the same County; and if any such incumbrance be in or across any private way, the same may be removed by the order of some Justice of the Peace, of the same County,

When the sum assessed, shall be insufficient, Surveyors power in such cases.

Incumbrances in or across any roads, &c. may be pulled down or removed by any person.

unless the gate or bars were erected or continued by the leave of the town, or the person or persons for whose particular use and benefit the private way was laid out : And any person aggrieved by the removal of such gate, bars or fence, shall be relieved at the Court of General Sessions of the Peace, for the same County, if upon examination it shall appear, that the same were erected or continued by licence or leave as aforesaid.

When any incumbrance shall be adjudged a nuisance, costs of prosecution how levied.

And be it further enacted by the authority aforesaid, That when any building, fence, or other incumbrance erected, or continued on any town, or private way, or on any public highway, a common training-field, burying-place, landing-place, or other piece of land, appropriated for the general use, ease, or convenience of the community at large, or the inhabitants of any county, town, district, parish or precinct, shall, by any Court having cognizance thereof, be adjudged and determined a nuisance, and ordered to be abated, in case the materials of such building, fences or other incumbrance, upon a public sale thereof at auction, shall be insufficient to pay the costs and charges of prosecution and removal, the Court from whence the process for removal shall issue, shall and may order the deficient sum to be raised and levied from the goods and chattels of the person or persons who shall be convicted of erecting or continuing the same.

Damage happening through defects in ways or bridges, shall be made good by the county or town.

And be it further enacted by the authority aforesaid, that if any person shall lose a limb, break a bone, or receive any other injury in his person, or in his horse, team, or other property, through any defect, or want of necessary repair and amendment of any highway, causeway, or bridge ; the person or persons injured thereby, shall and may recover of the county, town, the person, or persons, who are by law obliged to keep the same highway, causeway, or bridge in repair, in case they had reasonable notice of the defect, double the damages thereby sustained, by a special action of the case, before any Court proper to hear and determine the same. And if the life of any person shall be lost through the deficiency of the way, causeway, or bridge, or for want of rails on any bridge, the county, town, or persons who are by law obliged to repair and amend the same, shall be liable to be amerced in *one hundred pounds*, to be paid to the executor or administrator of the deceased, for the use of the heirs, devisees or creditors, upon a conviction before the Court of

General Sessions of the Peace, or Supreme Judicial Court, on a presentment or indictment of the Grand Jury. *Pro-* Proviso.
vided, The County, Town or other person or persons, who of right ought to maintain and keep the same in repair, had been previously notified of such want of repair, and amendment, in writing, under the hands of two or more credible witnesses, or by the presentment of the Grand Jury, or by information of the Attorney-General, or the person acting for the Government in his absence, filed in the Court of General Sessions of the Peace, or the Supreme Judicial Court.

And be it further enacted by the authority aforesaid, that if any town shall neglect to vote or agree upon a sum, to be assessed for the express purpose of repairing and amending the highways and town-ways, or shall not otherwise provide for effectually amending and repairing such ways, each surveyor shall assign to the several persons in his limits, their rateable proportion of days work, and of cart, team and plough, according to his real and personal property, as near as he can, and shall assign certain days for amending and repairing the ways, having regard to the season of the year, and give notice thereof to the persons in his limits, upwards of sixteen years of age and liable by law to be taxed, six days at least before the time assigned (except in extraordinary cases) to attend the service with suitable tools, and with carts and teams (if any they have) the notice to be in writing and delivered the person, or left at his usual place of abode; and if any person being thus notified, shall make default of attending and working, by himself or other sufficient person in his stead, or with his cart and team, as he shall be appointed and assigned, he shall forfeit and pay *five shillings* for each day's neglect, and for default of his cart and team with a driver, *ten shillings* a day, and in that proportion for a longer or shorter space of time, one moiety to the use of the town, to be expended on the highways and town-ways as the selectmen shall order, and the other moiety to the use of the Surveyor, to be recovered by complaint, before any Justice in the same county. *Pro-*
vided the same be made in one year, after the forfeitures are incurred, and not afterwards, according to the form hereafter prescribed; in which prosecution, the Surveyor may be admitted as an evidence, as to the time and manner of notice, and the quantum of labour assigned to the

If towns neglect to agree upon & assess a sum for the repair of the highways, &c. Surveyors to assign each person his rateable proportion.

To assign certain days for working.

Penalty for default of attending & working.

Proviso.

adverse party. And the penalties incurred by servants or minors, shall be recovered of the parents, masters, or guardians, under whose immediate care and controul they may then be.

And be it further enacted by the authority aforesaid, that the following shall be the form of the surveyor's complaint to a Justice upon such occasion, *viz.*

Form of the surveyor's complaint to a Justice.

To *A. B.* one of the Justices of the Peace for the county of *S.* complains *C. D.* of *R.* in the same County [*addition*] and one of the surveyors of highways in the said town of *R.* for the year duly appointed and sworn, that *P. D.* of *R.* aforesaid [*addition*] a person by law liable to work on the highways, (or *S. D.* a son or servant, or ward, as the case may be) within the limits assigned the complainant, in the same town, was assessed days (or with his cart, team, &c. as the case may be) and was duly notified to attend, and work out the same on the day or days of , yet the said *P. D.* did not appear and work in person, nor did he send a sufficient substitute in his stead, but made default therein, whereby he hath forfeited, and ought to pay to the complainant, the sum of , one moiety to the use of the said town of *R.* to be expended on the highways and town ways therein, as the selectmen thereof shall direct, and the other moiety to the use of the complainant; wherefore he prays that the said *P. D.* may be cited to appear, at a short day, to shew cause (if any he has) wherefore a warrant of distress ought not to issue, to levy the said forfeitures, upon the goods and estate of the said *P. D.* and in want thereof on his body, with reasonable costs, &c.

C. D.

Justice may issue a warrant to notify the respondent, &c.

Upon which complaint, the Justice may issue a warrant to some sworn Officer, to notify the respondent, at a time and place therein mentioned, to appear and shew cause (if any he has) wherefore a warrant of distress should not issue. Which warrant may be served by reading the same with the complaint annexed, to the respondent, seven days at least before the day assigned for a hearing, or leaving an attested copy thereof, at the respondent's usual place of abode, seven days or more before the day of trial. And if the respondent being notified as aforesaid, shall

not appear, or appearing, shall not in the opinion of the Justice (from whose determination herein no appeal shall be made) shew sufficient cause, he shall enter up Judgment thereon that a warrant of distress issue for such, or so much of the sums prosecuted for, as shall appear forfeited, and costs. But in case the respondent shall make it appear, that he was unreasonably assessed, or that he was not duly notified thereof, or shall make any other legal or sufficient excuse to exempt him fully from the forfeitures, the Justice shall enter up judgment that the respondent be acquitted and discharged from the forfeitures, for which he is now prosecuted, and that he recover against the complainant his costs. And the warrant of distress for levying the forfeitures, when the same shall appear to be incurred, shall run in the form following, *Viz.*

If the respondent shall not appear, &c. a warrant of distress shall issue.

[Seal.] S—ss.

*To the Sheriff of the County of S. or his Deputy,
or Constable of the Town of R. in said County,*

Form of the
warrant.

Greeting.

Whereas *P. D.* of *R.* aforesaid (addition) on the day of did not appear before me *A. B.* Esqr. one of the Justices of the Peace for the County of *S.* to answer the complaint of *C. D.* of said *R.* (addition) and one of the surveyors of highways for said town, for the year for not working on the highways and town ways, in said town as he was assigned by the said *C. D.* who requested a warrant of distress to issue, for the sum of *shillings*, incurred by his neglect in that behalf, and for his costs, agreeably to the statute in that case made and provided, although duly summoned for that purpose [or appearing before me, *A. B.* Esqr. one of the Justices of the Peace for the County of *S.* to answer to the complaint of *C. D.* of said *R.* (addition) and one of the surveyors of highways in said town for the year for not working (in person, or with his team and cart, &c.) on the highways and town ways in said town, as he was assigned by the said *C. D.* did not shew sufficient cause, wherefore a warrant of distress should not issue for the sum of *shillings*, incurred by his neglect in that behalf, and for costs, agreeably to the statute in that case made and provided] and judgment was thereupon rendered that a warrant of distress should issue for *shillings*, being the

forfeiture thus incurred, one moiety thereof to the use of the town of *R.* to be expended on the highways and town ways therein, as the selectmen thereof shall order, and the other moiety for the use of the said *C. D.* and cost taxed at which judgment is now in full force. You are therefore, in the name of the Commonwealth of *Massachusetts*, hereby commanded, that you cause to be paid and satisfied in money, to the said *C. D.* by distress and sale of the goods and chattels of the said *P. D.* the aforesaid sums, amounting in the whole to and *one shilling* and *six pence* more for this precept, together with your own legal fees (returning the overplus to the said *P. D.* if any there be) and for want of goods and chattels of the said *P. D.* to be by him shewn unto you, or found in your precinct, sufficient to levy the sums aforesaid, you are to take the body of the said *P. D.* and him commit to the common goal of the said County of *S.* and the Keeper thereof is directed to detain him there until he pay the sums aforesaid, with your legal fees, or he be therefrom discharged by order of Law: Hereof fail not, and make due return of this precept with your doings thereon, unto myself, within forty days next coming. Given under my hand and seal at *R.* aforesaid, this
 day of *Anno Domini*, 17
 A. B. Justice of Peace.

If surveyors neglect their duty.
 Forfeiture.

And be it further enacted by the authority aforesaid, that each Surveyor of highways, who shall accept the said trust, and shall neglect his duty therein, shall forfeit and pay for each neglect, the sum of *three pounds*, one moiety to him that will prosecute therefor, and the other moiety to the use of the town whereof the delinquent is a surveyor, to be recovered by action of debt, before any Justice of the Peace for the same County.

In case inhabitants are fined for deficiency in highways, the surveyors shall be liable to refund the same.

And be it further enacted by the authority aforesaid, That in case the inhabitants of any town, shall be fined upon the presentment of the Grand Jury, or upon the information of the Attorney General, or the person acting for the Government in his absence, for a deficiency in the highways, the Surveyor, within whose limits the deficient ways are, shall be liable to refund the same, with all costs to the said inhabitants, upon an action of the case to be brought therefor. Or the Surveyor of highways may be

prosecuted on presentment or information as aforesaid, and fined for any deficiency that may arise in his limits. And the inhabitants of any town merely as such, shall not be excluded from being Witnesses, upon any prosecutions upon this Statute, upon a supposition of being interested as members of the corporation.

Provided nevertheless, that nothing in this Act shall be so construed, as to give power to any Surveyor or other persons, to remove or pull down any fence which may be lawfully set up, or erected upon, or across any way, for the purpose of preventing the spreading of infectious disorders. Proviso.

This Act to be in force from and after the first day of *September*, one thousand seven hundred and eighty seven.

March 5, 1787.

1786. — Chapter 82.

[January Session, ch. 30.]

AN ACT FOR INCORPORATING THE PLANTATION CALLED *LIMERICK*, IN THE COUNTY OF *YORK*, INTO A TOWN BY THE NAME OF *LIMERICK*. Chap. 82

Whereas the inhabitants of the said Plantation, have represented, and it appears to this Court, that they labour under many and great inconveniences, by reason of their unincorporated state. Preamble.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation aforesaid, bounded as follows, viz. beginning at a place called the Riplings, on Little Ossipee River; thence running north northwest, five miles, one hundred and seventy seven poles; thence west southwest, three miles and one hundred poles to Parsonfield line; thence on said line, one mile, one hundred and twenty poles, to a tree marked on four sides, which is the east corner of said Parsonfield; thence south by west, two miles and forty poles, on the line between said Limerick and a Plantation called Washington, to said Little Ossipee River; thence running down the middle of said River, to the first mentioned bounds, containing about thirteen thousand acres, be and hereby is erected into a Town by the name of Limerick; and that the inhabitants thereof be and they hereby are vested with all the powers, priviledges and immunities Boundaries.

Invested with powers, &c.

which the inhabitants of Towns within this Commonwealth do, or may by law enjoy.

Jeremiah Hill,
Esq; to call a
meeting.

And Be it further enacted, that *Jeremiah Hill*, Esqr. be, and he hereby is empowered, to issue his Warrant, to some principal inhabitant of the said Town, requiring him to notify and warn the inhabitants thereof to meet at such time and place, as he shall therein set forth, to choose all such Officers as towns are by law required and empowered to choose in the months of *March* or *April*, annually.

Proviso.

Provided always, that this Act shall be so construed, as not to affect the claim of this Commonwealth, or any corporate body or private person whatever, to the said Plantation, or any part thereof, if any such claim exists.

March 6, 1787.

1786. — Chapter 83.

[January Session, ch. 31.]

Chap. 83 AN ACT FOR INCORPORATING A PLANTATION IN THE COUNTY OF YORK, CALLED MASSABESEC, BY THE NAME OF WATERBOROUGH.

Preamble.

Whereas the inhabitants of a Plantation in the County of York, called Massabesec, labour under many inconveniences for want of being incorporated, and have petitioned this Court to be incorporated into a Town:

Boundaries.

Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same, That the said Plantation, with the inhabitants thereof, bounded as follows, *viz.* Beginning at the northerly corner of *Coxhall*; thence running north eleven degrees and an half west, five miles and three quarters of a mile, to the River called *Little Ossipee*; thence westerly by the same River to the northeast corner of *Shapleigh*; thence southerly by *Shapleigh* and *Sanford*, to the westerly corner of *Coxhall* aforesaid, then northeasterly by said *Coxhall*, to the bounds first mentioned, be and hereby is incorporated into a Town by the name of *Waterborough*, and invested with all the powers, privileges and immunities, which other Towns in this Commonwealth are intitled to by Law.

Proviso.

Provided, that nothing in this Act shall be so construed, as to affect the right of soil, to any lands within the limits aforesaid.

And be it further enacted by the authority aforesaid, that Nathaniel Wells, Esqr; be, and he hereby is empowered, to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants of said Town, qualified according to law, to vote in Town affairs, to assemble at such time and place within the same Town, as shall be appointed by such warrant, to choose all such Officers as other Towns within this Commonwealth are empowered to choose, in the month of March or April annually; and the said inhabitants so assembled are hereby empowered to choose such Officers according.

Nathaniel Wells, Esqr; to call a meeting.

March 6, 1787.

1786. — Chapter 84.

[January Session, ch. 34.]

AN ACT PROVIDING AN ESTABLISHMENT FOR THE ATTORNEY-GENERAL. *Chap. 84*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the allowance to be made to the Attorney General, for his services the year next ensuing, commencing from the passing of this Act, be the sum of three hundred pounds, and the same shall be paid him out of the public Treasury.

And be it further enacted by the authority aforesaid, That in taxing bills of costs in criminal prosecutions, the sum of fifteen shillings, shall be taxed in each bill of costs, instead of the fee established by Law, for the travel of the Attorney General, and all the fees received by the said Attorney General, in and by virtue of his said Office, shall be accounted for by him.

March 8, 1787.

1786. — Chapter 85.

[January Session, ch. 35.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR RENDERING PROCESSES IN LAW LESS EXPENSIVE." *Chap. 85*

Whereas in and by the Act entitled, "An Act for rendering processes in law less expensive," it is enacted, "That all writs and summonses issued by virtue of this act, shall be issued by a Justice of the Peace, in the County where the debtor or defendant resides:"

Preamble.

Clause repealed.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the said clause in the Act aforesaid, be repealed, and that all writs and summonses issued by virtue of the Act aforesaid, shall and may be issued by a Justice of the Peace, in the County where either the plaintiff or the defendant may reside; and the said writs and summonses may run into any County or Place, and are hereby made awardable into any County or place in this Commonwealth, and shall be there executed by the Sheriff, Deputy Sheriff, or Constable to whom they shall be directed.

Processes of replevin, &c. how commenced.

Be it further enacted by the authority aforesaid, that all processes of replevin, and all processes upon an Act, entitled “An Act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors,” shall be commenced and prosecuted before the Court of Common Pleas, in the same manner as if the Act entitled, “An Act for rendering processes in law less expensive,” had never been made.

March 8, 1787.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS;
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1786; AND FROM THENCE CON-
TINUED, BY PROROGATION AND ADJOURNMENTS, TO
WEDNESDAY THE TWENTY-FIFTH DAY OF APRIL, 1787.

1786. — Chapter 86.

[April Session, ch. 1.]

AN ACT FOR REPEALING ANY ACTS, OR PARTS OF ACTS HERETOFORE PASSED BY THE LEGISLATURE OF THIS COMMONWEALTH, WHICH MAY MILITATE WITH, OR INFRINGE THE TREATY OF PEACE, ENTERED INTO BY THE UNITED STATES OF AMERICA, AND GREAT BRITAIN. Chap. 86

Whereas certain laws or Statutes, made and passed in some of the United States, are regarded, and complained of as repugnant to the Treaty of Peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that Treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected. And whereas justice to Great Britain, as well as regard to the honour and interests of the United States, require, that the said Treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be confirmed to proceed from the Laws of this Commonwealth, be effectually removed: Therefore Preamble.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, that such of the Acts, or parts of Acts, of the Legislature of this Commonwealth, as may be repugnant to the Treaty of Peace, between the United States and his Britannic Majesty, or any article thereof, and so far as they may be repugnant thereto, shall be, and hereby

Acts repugnant
to the treaty,
repealed.

are repealed: and further, that the Courts of Law and equity within this Commonwealth, be, and they hereby are directed and required, in all Causes and questions cognizable by them respectively, and arising from, or touching the said Treaty, to decide and adjudge according to the tenor, true intent and meaning of the same; any thing in the said Acts, or parts of Acts, to the contrary thereof, in any wise notwithstanding.

April 30, 1787.

1786. — Chapter 87.

[April Session, ch. 2.]

Chap. 87 AN ACT FOR ALTERING A PART OF THE BOUNDARY LINE, BETWEEN THE TOWNS OF *BOSTON* AND *ROXBURY*, AND FOR RATIFYING AN AGREEMENT MADE BETWEEN THE SAID TOWNS FOR THAT PURPOSE.

Preamble.

Whereas that part of the boundary line between the towns of Boston and Roxbury, which crosseth Lamb's Meadow (so called) is nearly obliterated, and the Selectmen of the said towns have petitioned this Court, that a new direct line may be established in lieu thereof, agreeably to a plan mutually agreed on by the said towns, and it appearing reasonable that the said agreement should be ratified and confirmed:

Agreement ratified and confirmed.

Be it therefore Enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, that the agreement entered into between the towns of Boston and Roxbury, for altering that part of the boundary line between the said towns, which crosseth Lamb's meadow (so called) be, and the same is hereby ratified and confirmed.

Boundary line.

And be it further enacted by the authority aforesaid, That a line in lieu of the aforesaid obliterated boundary line, shall in all future perambulations thereof, be run in the following manner, that is to say — By a straight line in the same direction with the present line from the road leading from Boston to Roxbury, from the most easterly boundary marked stone in the said Lamb's meadow, one chain and forty-one links; thence turning and running north fifty eight degrees east, by a straight line across the said meadow, until it strikes the ancient boundary mark in Lamb's dam (so called.)

April 30, 1787.

1786. — Chapter 88.

[April Session, ch. 3.]

AN ACT FOR NATURALIZING EDWARD WYER, AND OTHERS, *Chap. 88*
THEREIN NAMED.

Whereas Edward Wyer, David Greene, and Thomas English, have petitioned the General Court, that they and their families, may be naturalized, and be thereby intitled to all the rights and privileges of free Citizens of this Commonwealth:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the afore named *Edward Wyer*, and *Alice* his wife, *Edward Wyer, junr.* and *William Wyer*, his children; *David Greene*, and *Rebecca* his wife, *John Rose Greene*, *David Ireland Greene*, *Charles Winstone Greene*, and *Rebecca Greene*, his children; and *Thomas English*; they the said *Edward Wyer*, *David Greene*, and *Thomas English*, first taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken, to be free Citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities, of natural born subjects.

Edward Wyer,
and others,
naturalized.

And be it further enacted by the authority aforesaid, that the Justices, before whom the persons afore named, may respectively take the oath aforesaid, shall return a certificate of the same, into the Secretary's Office, to be entered on the Records of this Commonwealth.

Certificate of
oaths, to be
returned.*May 1, 1787.*

RESOLVES
OF THE
GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1786.

BOSTON :
PRINTED BY ADAMS AND NOURSE,
Printers to the Honorable General Court.
M,DCC,LXXXVI.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.
1893.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

TOGETHER WITH THE MESSAGES OF HIS EXCELLENCY
THE GOVERNOUR TO THE SAID COURT:

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK,
ON WEDNESDAY THE 31ST DAY OF MAY, ANNO DOMINI,
1786.

His Excellency JAMES BOWDOIN, Esq;

Governour.

His Honour THOMAS CUSHING, Esq;

Lieutenant-Governour.

COUNCELLORS.

Honorable Walter Spooner,
Samuel Holten,
Moses Gill,
Nathan Cushing,
Jonathan Greenleaf,
Esq's.

Honorable Edward Cutts,
John Bliss,
Abraham Fuller,
Benjamin Austin,
Esq's.

*The following are the Names of the Gentlemen who compose the two
Branches of the GENERAL COURT, viz.*

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Esq;	<i>Ward</i> ,
<i>Lunenburg</i> ,	<i>Milford</i> ,
<i>Fitchburg</i> ,	<i>Sterling</i> , Capt. Benjamin Richard-
<i>Uxbridge</i> , Seth Read, Esq;	son.
<i>Northbridge</i> ,	

County of CUMBERLAND.

<i>Falmouth</i> , Joseph Noyes, Esq;	<i>Windham</i> ,
John Frothingham, Esq;	<i>New-Gloucester</i> ,
<i>North-Yarmouth</i> , David Mitchel,	<i>Gray</i> ,
Esq;	<i>Pearson-Town</i> ,
<i>Scarborough</i> , Joshua Faber, Esq;	<i>Royalsborough</i> ,
<i>Gorham</i> , Josiah Thatcher, Esq;	<i>Raymond's-Town</i> ,
<i>Cape-Elizabeth</i> ,	<i>Baker's-Town</i> ,
<i>Brunswick</i> , Capt. John Minot,	<i>Sylvester</i> ,
<i>Harpswell</i> ,	<i>Bridgetown</i> ,

County of LINCOLN.

<i>Pownalborough</i> , Mr. David Silves-	<i>Bowdoinham</i> , Mr. Zacheus Beal,
ter,	<i>Booth-Bay</i> ,
<i>George-Town</i> , John Stinson, Esq;	<i>Bristol</i> , William Jones, Esq;
<i>New-Castle</i> , Major John Farley,	<i>Vassalborough</i> ,
<i>Woolwich</i> , Samuel Harnden, Esq;	<i>Winthrop</i> , Mr. Jonathan Whiting,
<i>Topsham</i> ,	<i>Winslow</i> ,

REPRESENTATIVES — *Concluded.**County of LINCOLN — Concluded.*

<i>Waldoborough,</i>	<i>Walpole,</i>
<i>Edgcomb,</i>	<i>Norwich-Walk,</i>
<i>Hallowell, Dr. Daniel Cony,</i>	<i>Lewistown,</i>
<i>Bellfast,</i>	<i>Wales,</i>
<i>Warren, Mr. Alexander Larmond,</i>	<i>Meduncook,</i>
<i>Thomas-Town,</i>	<i>Howardstown,</i>
<i>Bath, Rev. Francis Winter,</i>	<i>Sterlington,</i>
<i>Pittstown, Major Reuben Colburn,</i>	<i>Ballstown,</i>
<i>St. George's,</i>	<i>Machias.</i>

County of BERKSHIRE.

<i>Sheffield, and Mt. Washington,</i>	<i>Egremont, Capt. Oliver Pier,</i>
<i>John Ashley, ju. Esq;</i>	<i>Tyringham,</i>
<i>John Fellows, Esq;</i>	<i>Sandisfield, Mr. James Ayrault,</i>
<i>Great-Barrington, Mr. Thomas</i>	<i>Becket,</i>
<i>Ives,</i>	<i>Gageborough,</i>
<i>Partridgefield,</i>	<i>Hancock,</i>
<i>New-Marlboro', Capt. Daniel Tay-</i>	<i>Richmond, Mr. William Lusk,</i>
<i>lor,</i>	<i>Loudon,</i>
<i>Williamstown, Thomson J. Skin-</i>	<i>Washington,</i>
<i>ner, Es.</i>	<i>West-Stockbridge,</i>
<i>Lanesboro', Hon. James Barker,</i>	<i>Alford,</i>
<i>Esq;</i>	<i>Adams, Capt. Israel Jones,</i>
<i>Mr. W. Starkweather,</i>	<i>Ashualet-Equivalent,</i>
<i>Pittsfield, Dr. Timothy Childs,</i>	<i>New-Ashford,</i>
<i>Lenox, Capt. Enos Stone,</i>	<i>Lee, Ebenezer Jenkins, Esq;</i>
<i>Stockbridge, Hon. John Bacon,</i>	<i>Windsor, William Clark, Esq;</i>
<i>Esq;</i>	

THURSDAY, June 1, 1786.

The committee of both Branches of the Legislature, appointed to examine and count the votes returned for Governour and Lieutenant-Governour, for the year ensuing, reported the whole number for Governour to be 8231, of which his Excellency *James Bowdoin, Esq;* had 6001 — and for Lieutenant-Governour, the whole number to be 7429, whereof his Honour *Thomas Cushing, Esq;* had 5651. A committee of both Houses having waited on his Excellency and his Honour, and informed them of their election, a time was assigned for declaring their acceptance, and qualifying themselves agreeable to the constitution. At four o'clock, P. M. they accordingly met both Houses, convened in the Senate-Chamber, when his Excellency addressed them as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The election to any respectable office, when made by a free, independent, and enlightened people, is an honour to the subject of it; and the honour rises in proportion to that respectability.

This reflection excites in my mind the warmest sentiments of respect and gratitude to my brethren, the good people of this Commonwealth, for the distinguishing honour they have conferred, by placing me in the Chair of Government. As it demonstrates their approbation of my past administration, it will be a stimulus to perseverance in that line of conduct, which has been honoured with it.

Permit me, Gentlemen, to thank you for the polite manner, in which you have notified me of the election; and to assure you, that I shall most readily co-operate with you, in every measure contributive to the happiness and prosperity of the Commonwealth.

In confidence of your aid upon all necessary occasions, I accept the important office, to which the public suffrages has called me; and am ready to comply with the qualifying pre-requisites pointed out by the Constitution.

JAMES BOWDOIN.

SENATE CHAMBER, *June 1, 1786.*

Then his Honour addressed the Legislature, as follows :
Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Your Message by a very respectable Committee, informed me that upon examining the Returns of the Votes from the several Towns in this Commonwealth, it appears I have been elected by the suffrages of the people, Lieutenant Governor for the year ensuing.

I have a due sense of the honor conferred upon me by the people, in this appointment, and feel myself under a renewed obligation to serve them to the utmost of my abilities. I have so repeatedly received marks of their approbation and confidence, that I should esteem myself to be greatly deficient in gratitude as well as duty, if they did not stimulate me to more strenuous exertions than ever, to promote the best interest of the Common-

wealth, and to discharge the Trust reposed in me, with fidelity and impartiality.

I am obliged to you, Gentlemen, for the polite manner in which you have acquainted me with this appointment. I now declare my acceptance of it, am ready to take the Oaths and subscribe the Declarations required by the Constitution.

THOMAS CUSHING.

SENATE-CHAMBER, *June 1, 1786.*

They then took the oaths (administered by the Honourable President of the Senate) and subscribed the declarations required by the constitution: — after which, by the President's command, the Secretary of the Commonwealth proclaimed

His Excellency JAMES BOWDOIN, Esquire,
to be elected Governour and Commander in Chief:

And His Honour THOMAS CUSHING, Esquire, Lieutenant Governor of this Commonwealth, for the year ensuing: — of which all officers, civil and military, are required to take notice, and govern themselves accordingly.

Chapter 1.

Chap. 1 RESOLVE ON THE PETITION OF MARY AND NATHANIEL BETHUNE, DIRECTING THE TREASURER TO SIGN AND ISSUE TO THE EXECUTORS MENTIONED, STATE NOTES TO THE AMOUNT OF THE NOTES REFERRED TO.

On the petition of *Mary Bethune*, and *Nathaniel Bethune*, Executors of the last will and testament of *George Bethune*, Deceased, praying for liberty to receive New Notes, in lieu of old ones, to be delivered up to the Treasury of this Commonwealth, as is fully set forth in their Petition:

Resolved, That the prayer of said Petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is ordered and directed, to sign and issue to the said Executors, State Notes, to the full amount of the Notes first referred to, in their petition: The Notes to be issued in such sums, and made payable to such persons as the said Executors, or any one of them may direct, and to bear date, and be of like Tenor, with those that

shall be delivered up by said executors; the notes to be delivered up by said Executors, the Treasurer is to deface and put on file in the Treasurer's office as cancelled.

June 6, 1786.

Chapter 1A.*

RESOLVE ON THE PETITION OF *SAMUEL TUCKER*.

Chap. 1A

On the petition of *Samuel Tucker* praying for the interposition of this Government, for his relief, he having had judgment rendered against him, by the Court of Common Pleas, for the County of Worcester, on two bonds, given to *William Brattle Esq^r* an Absentee, including interest, which, so far as it arose during the War, has been by a Resolve of this Commonwealth, suspended.

Resolved, that the said *Samuel Tucker* notify the adverse party, by serving him or his Attorney, with an attested copy of his petition and this Resolve, seven days, before the fourth Wednesday of the present sitting of this Court, that cause may be shewn, if any there be, on the said fourth Wednesday, why the prayer of the said petition may not be granted; and that Execution in the mean time be stayed.

June 6, 1786.

Chapter 2.

ORDER FOR SECRETARY TO PURCHASE JOURNALS OF MR. *THAYER*. *Chap. 2*

Ordered, That the Secretary purchase of Mr. *Thayer*, the journals of the House of Representatives, from the year 1730 to the year 1773, at *twenty-four shillings*, per volume.

June 6, 1786.

Chapter 3.

RESOLVE ON THE PETITION OF *DANIEL CONY*, IN BEHALF OF THE TOWN OF *HALLOWELL*, AUTHORIZING THE TREASURER TO RECEIVE OF *ROBERT KENNEDY* AND *ABISHAI COWING*, THE BALANCE OF THE TAXES MENTIONED. *Chap. 3*

On the petition of *Daniel Cony*, in behalf of the town of *Hallowell*, and *Robert Kennedy*, one of the Collectors of Taxes in the said Town:

Resolved, That the Treasurer of this Commonwealth,

* Not printed in previous editions.

be, and He is hereby authorized, empowered and Directed, to Receive of *Robert Kennedy*, and *Abishai Cowing*, the balance of the taxes committed to them to collect in the Town of *Hallowell*, in the County of *Lincoln*, for, and previous to the year one thousand seven hundred and seventy-nine, in *Paper money*, on his, the said *Kennedy's* making Oath agreeably to a resolution of the General Court for said purpose :

And it is further *Resolved*, That the sum of *One hundred and sixty two pounds ten shillings*, being the Balance due from the said Town of *Hallowell*, to the Commonwealth, for Taxes (called the Beef Taxes) be abated to the said Town of *Hallowell*, for reasons set forth in the said Petition, any Law or Resolve to the contrary notwithstanding.

June 6, 1786.

Chapter 4.

Chap. 4 RESOLVE ON THE PETITION OF *ISRAEL REED*, OF *LITTLETON*, AUTHORIZING TWO JUSTICES, TO LICENCE HIM TO KEEP TAVERN.

On the petition of *Israel Reed*, of *Littleton*, in the County of *Middlesex*, praying that he may be licenced as an innholder, in the House to which he has removed :

Resolved, That the prayer of the petition be granted, and that any two Justices of the Peace, *Quorum unus*, in the County of *Middlesex*, be, and they are hereby authorized and empowered to grant a licence to the petitioner, to keep a public tavern, until the next sitting of the Court of General sessions of the Peace for granting licences in said county of *Middlesex*, and the said Justices, are hereby required to recognize said petitioner to observe such rules and orders as the law, in such cases, require to be done and performed.

June 7, 1786.

Chapter 5.

Chap. 5 RESOLVE ON THE PETITION OF *GIDEON Mc'INTOSH*, GRANTING HIM SIX POUNDS TWELVE SHILLINGS.

On the petition of *Gideon Mc'Intosh*, Setting forth that he served as a Soldier in Col. *Turner's* Regt. in the year one thousand Seven Hundred and Eighty one, and that the wages Due to him for that Service were Drawn by

a forged order, which appears to be true from proper Vouchers produced :

Resolved, That there be allowed and Paid out of the publick Treasury of this Commonwealth, to the said *Gideon Mc'Intosh*, the sum of *Six pounds twelve Shillings*, in full for Said Service. *June 7, 1786.*

Chapter 6.*

[May Session, ch. 6, 1786.]

Chap. 6

Chapter 7.*

[May Session, ch. 7, 1786.]

Chap. 7

Chapter 8.

RESOLVE ON THE PETITION OF *WILLIAM JERNIGAN*, IN BEHALF OF THE SEVERAL CREDITORS AGAINST THE ESTATE OF *ISRAEL CAGNAHEW* OF *EDGARTOWN*, EMPOWERING *WILLIAM JERNIGAN* AND *BENJAMIN SMITH*, ESQ'RS. TO SELL THIRTY FIVE ACRES OF LAND MENTIONED.

Chap. 8

On the petition of *William Jernigan*, in behalf of the several Creditors, against the estate of *Israel CagnaheW* of *Edgartown*, in *Dukes County*, Indian man, deceased, praying that liberty be granted for the sale of so much of the Land belonging to the said *Israel's* estate, as to discharge his Debts, amounting to *Seventy Five pounds, ten shillings and eight pence half penny*, as on Record will appear :

Resolved, That *William Jernigan* and *Benjamin Smith*, Esq'rs, be and they hereby are Authorized, and impowered, to sell at Public Auction (or private sale,) Thirty five Acres of Land adjoining to, and on the Westerly side of the Land belonging unto *Abishai Marchant*, and to Execute good and Lawful Deed, or Deeds of the same ; and the Monies arising from the sale of said Land, to be appropriated to the payment of said *Israel's* Creditors, agreeably to their several Accounts, allowed by the General Court's committee, appointed for that purpose ; the remainder, if any there be, to be paid unto the Guardian of the only surviving Heir of the said *Israel*.

June 8, 1786.

* Governor's message, see end of volume.

Chapter 9.

- Chap. 9* RESOLVE ON THE PETITION OF *JOHN SULLIVAN*, ESQ; IN BEHALF OF *MOSES SERGEANT*, GRANTING HIM LIBERTY TO FILE HIS COMPLAINT AGAINST *JOSEPH FRYE*.

On the Petition of *John Sullivan*, Esqr; in behalf of *Moses Sergeant* of *Londonderry*, in the County of *Rockingham*, and State of *New Hampshire*, Gentleman, praying for Liberty to file a Complaint upon a default Action, on a Judgment recovered by the said *Sergeant*, against one *Joseph Frye*, junr. of *Fryburgh*, in the County of *York*, as set forth in Said Petition, at the next Supreme Judicial Court, to be holden at *York*, within and for said County of *York*, for reasons set forth therein :

Resolved, that the prayer of said petition be Granted, and that the said *Moses Sergeant*, have Liberty to file his said Complaint against the said *Frye*, at the Next Supreme Judicial Court, to be holden at *York*, within and for the County of *York*, upon the fourth Tuesday of *June* 1786, and that the same Court, proceed thereon in the same manner as they might by law have done, if said *Sergeant* had entered his Said Complaint at their Sessions on the fourth Tuesday of *June* 1784; provided the said *Sergeant* shall notify the said *Frye*, by serving him with an attested copy of this Resolve, seven days before the said fourth Tuesday, any law, usage, or custom, to the contrary notwithstanding.

June 8, 1786.

Chapter 10.

- Chap. 10* RESOLVE CONFIRMING A GRANT TO THE REPRESENTATIVES OF *WILLIAM TYNG* AND HIS COMPANY, ON THE CONDITIONS MENTIONED IN A RESOLVE OF *FEBRUARY 7, 1785*.

Resolved, That Twenty three Thousand and forty Acres, part of the Lands contained in the plan annexed, surveyed by *Samuel Titcomb*, with the Assistance of Chainmen under Oath, for the legal representatives or Assigns of Capt. *William Tyng*, and his Company, pursuant to a resolve of the General Court, passed the 7th day of *February*, 1785, Butted and bounded as follows, (*viz.*)

Begining at the Southwest corner of a Township laid out on *Sandy River*, and runing on the line of said Town-

ship North 35° West two Miles and 54 rods, then North 25° West Three Miles and 66 rods, then North 13° west one mile and 80 rods, then running on the land of the Commonwealth, South 75° West five Miles and 100 rods, then South 15° E four Miles and 148 rods, to *Phips Canada* line, then runing on said line, East two Miles and 308 rods, then South by said Town, Three Miles and 4 rods, then North 58° East four Miles and 262 rods, to the Western line of the *Plymouth* Patent, as by them run, then on the s^d line north 38° West 130 rods, to the place of begining, be and hereby are confirmed to the said Representatives or assigns of the said *Tyng* and his Company, on the Conditions, and with the reservations mentioned in said Resolve, the delay in not returning a plan within the time limited by the same Resolve, notwithstanding. *Provided*, the above granted premises do not interfere with private property, or any former Grant.

June 8, 1786.

Chapter 11.

RESOLVE ON THE PETITION OF *NOMI ROPER*, EMPOWERING HER TO MAKE SALE OF PART OF HER REAL ESTATE.

Chap. 11

On the petition of *Nomi Roper*, praying for Liberty to make Sale of part of her Real Estate, for Reasons set forth in her petition :

Resolved, that the prayer of said petition be Granted, and that *Solomon Jewet* one of the Selectmen of the town of *Sterling*, be and he is hereby authorized and fully empowered to make Sale of twenty acres of the above-said Farm, for the most it will fetch, and to Give and Execute a good and Sufficient Deed of sale of the Same to the purchaser, and to pay the proceeds thereof to the said *Nomi Roper*, for the purposes mentioned in the petition.

June 8, 1786.

Chapter 12.

RESOLVE EMPOWERING THE ASSESSORS OF THE PLANTATION OF *SYLVESTER*, TO ASSESS ON THE SAID PLANTATION ONE HUNDRED AND FIFTY POUNDS.

Chap. 12

Whereas by a Resolve of the General Court of the thirteenth of *March* last, all the Taxes wherewith the

Plantation of *Silvester*, in the County of *Cumberland* had then been charged, were abated, excepting *One hundred and fifty pounds*:

And whereas the Said Plantation has never paid, or Assessed any part of The Taxes wherewith it has been charged; which renders it convenient and necessary that some further Order be taken in the case: Therefore,

Resolved, That the Assessors of the Said Plantation of *Silvester*, be, and they are hereby empowered, directed, and required to assess on the Said Plantation, the before-mentioned Sum of *One Hundred and fifty Pounds*; and that the Said Sum be assessed, Collected and paid, according to the Rules and directions prescribed and given in the last Tax Act; excepting that the whole of the Said Sum shall be paid in Specie.

And the Treasurer is hereby directed to Send his Warrant to the Assessors of *Silvester*, agreeably to the Tenor of this Resolve.

June 9, 1786.

Chapter 13.

Chap. 13 RESOLVE ON THE PETITION OF *CHARLES CHANDLER* AND OTHERS, CHILDREN OF *JOHN CHANDLER*, CONFIRMING TO THEM ALL THAT PART OF THEIR FATHER'S REAL ESTATE, WHICH WAS ASSIGNED AND SET OFF TO THEIR MOTHER FOR HER THIRDS, EXCEPTING—ON CONDITION.

On the petition of *Charles Chandler, Samuel Chandler, Sarah Stanton, Mary Sever, Lucretia Chandler, Thomas Chandler*, and *Elizabeth Chandler*, praying that they may have that part of their Father's real Estate, which was Assigned and set off to their Mother as her Thirds, granted and Confirmed to them in Fee Simple:

Resolved, that the Petitioners have the Prayer of their Petition so far Granted, that they have confirmed unto them, and hereby are Seized and Possessed in Fee Simple as Tenants in Common, of all that Part of their Father's Real Estate, which was Assigned and Set off to their Mother, for her Thirds (Excepting a Certain Parcel thereof, which hath been described and Granted to the County of *Worcester*, for the Purpose of Erecting a Goal thereon) The Petitioners paying and Discharging all those Debts due from the s^d estate which have not already been paid.

June 10, 1786.

Chapter 14.*

Chap. 14

[May Session, ch. 14, 1786.]

Chapter 15.*

Chap. 15

[May Session, ch. 15, 1786.]

Chapter 16.

Chap. 16

RESOLVE ON THE PETITION OF *JOHN ACKLEY*, DIRECTING THE TREASURER TO MAKE OUT AND DELIVER TO THE SAID *ACKLEY*, NOTES TO THE SAME AMOUNT AS THOSE THAT HAVE BEEN ISSUED.

On the Petition of *John Ackley*, Praying that he may be allowed the Sum of *Ten Pounds twelve Shillings and six pence*, which is Due to him for serving as drum major in the Continental army, which Sum has been drawn out of the Treasury by a forged Power of attorney, in the name of *William Tucker*, as appears by Proper vouchers Produced :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is Directed, to make out and Deliver to the said *John Ackley*, Notes, in the same manner, and to the same amount, as if none had ever been issued for the payment of the aforesaid *Ackley's* wages.

June 12, 1786.

Chapter 17.

Chap. 17

RESOLVE ON THE PETITION OF *THOMAS DINGLEY*, AGENT FOR *SAMUEL BAKER*, AND OTHERS, APPOINTING A COMMITTEE OF BOTH HOUSES, TO VIEW THE PREMISES.

On the Petition of *Thomas Dingley*, agent for *Samuel Baker*, and others, praying that a Committee may be appointed to take a View of the Beach in the town of *Marshfield*, and report :

Resolved, That the Prayer of said Petition be granted, and that *Solomon Freeman*, Esqr; Mr. *Stephen Nye*, and *Francis Shurtliff*, Esqr; be a Committee to view the Premises, at the Expence of the Petitioners, and report their opinion thereon.

June 12, 1786.

* Governor's message, see end of volume.

Chapter 18.

Chap. 18 RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF *NORTHBOROUGH*, ALLOWING THEM ONE YEAR TO SATISFY TWO EXECUTIONS AGAINST ONE OF THEIR DELINQUENT CONSTABLES, AND EXECUTIONS BE STAYED.

On the Petition of the Inhabitants of the Town of *Northborough*, Praying for a longer time to satisfy two Executions against one of their delinquent Collectors, for reasons set forth in their Petition :

Therefore *Resolved* that the inhabitants of said *Northborough*, be allowed the Term of nine months from the date of this Resolve, to satisfy the same, and that said Executions be staid in the mean time. *June 12, 1786.*

Chapter 19.

Chap. 19 RESOLVE ON THE PETITION OF *JONATHAN WILLIAMS, ELIZABETH WILLIAMS* AND *JOHN WILLIAMS*, AUTHORIZING THEM TO MAKE SALE OF THE REAL ESTATE MENTIONED.

Upon the Petition of *Jonathan Williams, Elizabeth Williams* and *John Williams*, Executors to the last Will and Testament, of *John Williams*, Esq ; deceased :

Resolved, that said Executors be, and they hereby are authorized and impowered to make sale of all the Real Estate of the said Deceased, lying in *Dorchester*, in the County of *Suffolk*, excepting thereout the Widow's Dower, for the Payment of the Debts of the said Testator, said Executors conforming to the Rules prescribed by Law, in the sale of Estates of Persons deceased. *June 12, 1786.*

Chapter 20.*

Chap. 20 RESOLVE ON THE PETITION OF CAPT. *JOHN BAILEY*, GRANTING HIM SIXTY-SIX POUNDS FIVE SHILLINGS, WITH INTEREST FROM THE 1ST OF JUNE, 1777, IN GOVERNMENT SECURITIES OF THE SAME TENOR, WITH THE CONSOLIDATED NOTES OF THIS COMMONWEALTH.

On the petition of Capt. *John Bailey* :

Whereas it appears, that the said *Bailey* was in actual service of the United States, for the term of five months, during which time, he enlisted and marched a Company

* Taken from court record.

of fifty men to *Cambridge*, from the County of *Lincoln*. And whereas it doth not appear, that the said *Bailey* received an adequate consideration for said service :

Resolved, that there be paid out of the public Treasury of this Commonwealth, to Capt. *John Bailey*, the sum of *sixty six pounds five shillings*, lawful money, with interest from the 1st of *June*, 1777, in Government securities of the same tenor, and payable at the same periods, with the consolidated notes of this Commonwealth, which with *twenty pounds* lawful money he received of Major General *Heath*, on the aforementioned account, shall be in full of all demands for said *Bailey's* services and expences, and that the same be charged to the United States.

June 13, 1786.

Chapter 21.*

Chap. 21

[May Session, ch. 21, 1786.]

Chapter 22.

RESOLVE ON THE PETITION OF *ISRAEL, FELIX, AND THOMAS JEFFERY*, AUTHORIZING *JOHN TURNER*, ESQ; COL. *JOHN NELSON*, AND *DAVID KINGMAN*, GUARDIANS TO SAID INDIANS, TO SELL LAND MENTIONED.

Chap. 22

On the petition of *Israel, Felix*, and *Thomas Jeffery*, Indians :

Resolved, That the Prayer of said Petition be Granted ; That *John Turner*, Esqr ; Colo^l. *John Nelson*, and *David Kingman*, Guardians to the Said Indians, be and they are hereby authorized and impowered, To Sell the Land mentioned in the Said Petition, For the most it Will Fetch, and to make and Execute a Good and Lawful Deed or Deeds of the Same, to the Purchaser or Purchasers, and the Deed or Deeds so Executed, Shall be Good and Valid in Law ; And after paying the Just Debts of the Said Indians, and the Necessary Cost that Shall arise by the Saile of Said Land, the said Guardians are hereby directed to Lay out the Remainder of the Money to Purchase Land For the above said Indians, where it may be more Convenient and Better For Said Indians. *June 14, 1786.*

* Governor's message, see end of volume.

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF *EPHRAIM JACKSON*, DIRECTING THE TREASURER TO ISSUE NOTES CONSOLIDATED, IN LIEU OF THOSE BURNT.

On the Petition of *Ephraim Jackson*, representing that his house was consumed by fire in the night of the eleventh of *February* last, by which accident, four consolidated Notes of this Commonwealth, the property of the said *Jackson*, was burnt, and the date, numbers and sums of said Notes being ascertained, excepting one :

Resolved that the Treasurer be, and he is hereby directed, to issue to the said *Ephraim Jackson*, four Notes, three of which to be of the following tenor, *to wit*, — one Note Number 2170, for *Five pounds and eleven pence*, — One Note Number 1468, for *Nine pounds and three pence* and one Note Number 2196, for *Four pounds two shillings and eight pence*; to bear equal date with the three notes which have been ascertained as aforesaid; and one other Note for the sum of *Thirteen pounds*, to bear equal date with this Resolve.

June 14, 1786.

Chapter 24.

Chap. 24 RESOLVE ON THE PETITION OF *ELIAS WILLARD*, AND *TITUS PARKER*, DISCHARGING THEM FROM THE RECOGNIZANCE, OR ANY SUIT AGAINST THEM, FOR REASONS MENTIONED.

On The Petition of *Elias Willard*, and *Titus Parker*, praying that they may be discharged from their Recognizance, Taken at the General Sessions of the Peace held at *Great Barrington*, for the County of *Berkshire*, on the second Tuesday of *September*, 1783, with *Ichabod Allen*, of *Pittsfield*, in said County, Innholder: For reasons set forth in Their Petition,

Resolved That the prayer of The Petition be so far granted, That the said *Elias Willard* and *Titus Parker*, be, and hereby are discharged from said Recognizance, or any Suit that has been, or may hereafter be brought against them in Consequence of said Recognizance, They paying the Cost that has already arisen thereon.

June 14, 1786.

Chapter 25.

RESOLVE ON THE PETITION OF SAMUEL KIMBALL, DISCHARGING HIM FROM HIS CONFINEMENT, ON CERTAIN CONDITIONS. Chap. 25

On the Petition of *Samuel Kimball* of *Brookfield*, who was sentenced by the Supreme Judicial Court, to pay a fine of *thirty pounds*, for the use of this Commonwealth, and cost of Prosecution, and is now confined in the common Goal at *North Hampton*, in the County of *Hampshire*, for the due performance of the same, and now prays to be liberated from his confinement, on paying said fine in publick securities :

Resolved, That the prayer of the petition be granted, upon the said *Kimball's* paying to the Sheriff for said County, the above fine of *Thirty pounds*, Lawful money, in this State's Securities, also cost of prosecution and all prison charges, in specie; and that thereupon the said *Kimball* be discharged from confinement provided he does not stand committed or detained for any other cause or action whatsoever, excepting the above sentence and the aforesaid Sheriff is hereby directed to pay the same to *Thomas Ivers*, Esqr; Treasurer of this Commonwealth, or to his successor in said office, taking duplicate Receipts for the same, one of which to be lodg^d in the Secretary's office.

June 14, 1786.

Chapter 26.

RESOLVE ON THE PETITION OF ANDREW BROWN, ONE OF THE GRAFTON INDIANS, EMPOWERING HIM TO SELL THE LAND MENTIONED. Chap. 26

On the Petition of *Andrew Brown*, one of the *Grafton* Indians praying for leave to sell about Eleven Acres and a half of land lying in said *Grafton*, for the purpose of paying his debts :

Resolved that the Trustees of said Indians be and hereby are empowered to sell at publick, or private sale, if they think best, the land mentioned in s^d petition, and pay the debts of the s^d *Brown*; the overplus if any there be, to be put at interest, and that s^d Trustees be and they hereby are empowered to give a Deed or Deeds of s^d land.

June 14, 1786.

Chapter 27.

Chap. 27 RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF CUMBERLAND, AND GRANTING A TAX OF FIVE HUNDRED POUNDS, FOR THE PURPOSE OF DEFRAYING THE CHARGES OF SAID COUNTY.

Whereas it appears upon the examination of the Treasurer's Accounts for the County of *Cumberland*, That the monies granted and allowed by the General Sessions of the Peace for the said County, and which have been collected, were expended for such purposes as are authorized by Law, and that a balance of *One hundred and thirteen pounds 18/10*, is due to the said Treasurer: Therefore

Resolved, That the said accounts be accepted and allowed. And whereas it appears from an estimate of the justices of the Court of General Sessions of the Peace of the said County of *Cumberland*, made on the last Tuesday of *Octo* 1785, That the sum of *Five hundred pounds*, will be necessary for defraying the charges of said County for one Year then next ensuing: Therefore

Resolved, That there be, and hereby is granted a Tax of *Five hundred pounds*, to be apportioned and assessed on the Inhabitants of the said County, and Estates Laying within the same, and collected, paid and applied for the use of the said County, according to the Laws of the Commonwealth.

June 14, 1786.

Chapter 27A.*

Chap. 27A

RESOLVE ON THE PETITION OF ABNER GOODELL.

Upon the petition of *Abner Goodell* praying for a new tryal in an action commenced against him by *David Brown*, at a Court of Common Pleas holden at *Boston* within & for the County of *Suffolk* in *January* last for reasons sett forth in his petition:

Resolved that the said *Abner Goodell* notify *Jon^a Fay* attorney to the said *David Brown* to shew cause if any he hath on the 4th Monday of the present sessions of the General Court why the prayer of the said petition should not be granted by serving him with an attested Copy of this his petition & order thereon at least five days before the said fourth Monday; and that Execution in the meantime be stayed.

June 15, 1786.

* Not printed in previous editions.

Chapter 28.

RESOLVE ON THE PETITION OF *SAMUEL BALDWIN* AND OTHERS, *Chap. 28*
ASSESSORS OF THE TOWN OF *WINDSOR*.

Upon the petition of *Samuel Baldwin* and others, Assessors of the Town of *Windsor*:

Resolved, That all the assessments made by the Assessors for the Town of *Windsor*, in the years one thousand seven hundred and eighty one, and one thousand seven hundred and eighty two, be and they hereby are ratified, and rendered valid to all intents and purposes, any informalities in making said assessments notwithstanding.

June 15, 1786.

Chapter 29.*

Chap. 29

[May Session, ch. 29, 1786.]

Chapter 30.*

Chap. 30

[May Session, ch. 30, 1786.]

Chapter 31.

RESOLVE ON THE PETITION OF *JOHN BRASEE*, DIRECTING THE TREASURER TO RECEIVE A SUM IN THE OLD CONTINENTAL MONEY. *Chap. 31*

On the Petition of *John Brasee*, Collector of Taxes for *West Stockbridge*, for the Year 1780.

Resolved, for Reasons set forth in the said Petition, that the Prayer thereof be so far granted, That the Treasurer of this Commonwealth be, and he hereby is authorized and directed to receive of the said *John Brasee*, *Seven Thousand Six Hundred and Eighty Eight Dollars*, in continental Money, of the Old Emission, received by the said *John* in the Collection of State Taxes (which at the Time of receiving the same were payable in the said money) and pass the same to the Credit of the said Collector.

June 16, 1786.

* Governor's message, see end of volume.

Chapter 32.

Chap. 32 RESOLVE ON THE MEMORIAL OF THE HON. *TIMOTHY EDWARDS*, ESQ; GRANTING HIM *NINE POUNDS*, IN FULL FOR SERVICES IN SETTLING THE LINE BETWEEN THIS STATE AND THE STATE OF *NEW-YORK*, IN 1784.

On the Memorial of the Honourable *Timothy Edwards* Esquire; one of the Commissioners of this Commonwealth, for settling the line between this State and the State of *New York*, in the year 1784:

Resolved, that there be allowed and paid out of the Public Treasury, to the Honourable *Timothy Edwards*, Esquire, the sum of *nine pounds*, which sum, together with the sum of *Sixteen pounds eight shillings*, heretofore paid to the said *Edwards*, by The Honourable *Joseph Hawley*, Esquire, one of said Commissioners, being a part of the monies Granted to the said Commissioners, on Account, is in full of his Account for services and disbursements.

June 17, 1786.

Chapter 33.

Chap. 33 ORDER TO THE SECRETARY, TO NOTIFY THE HON. *FRANCIS DANA*, *ELBRIDGE GERRY*, *STEPHEN HIGGINSON*, AND *GEORGE CABOT*, ESQ'RS. OF THEIR BEING ELECTED COMMISSIONERS FOR THE PURPOSE OF CONSIDERING THE TRADE OF THE UNITED STATES.

Ordered, That the Secretary notify the Honble. *Francis Dana*, *Elbridge Gerry*, *Stephen Higginson* and *George Cabot*, Esq'rs. that they have been elected by the two branches of the Legislature, Commissioners, who, together with those persons who are or may be constituted Agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands controverted by *New York*, and lying to the westward of that State, are appointed Commissioners on the part of this Commonwealth, who, or any three of whom, are authorized and impowered to meet such Commissioners as may be appointed by the other States in the Union, at *Annapolis*, on the first Monday in *Sept* next, for the purpose of considering the trade of the United States, to examine the relative situation and trade of the said States, to consider how far an uniform system in their commercial regulations may be necessary to their common interest and permanent harmony, and to report

to the United States in Congress assembled such an Act relative to this great object, as when agreed to, by them, and confirmed by the Legislature of every State, will enable the United States in Congress assembled, effectually to provide for the same.

June 17, 1786.

Chapter 34.*

Chap. 34

[May Session, ch. 34, 1786.]

Chapter 35.*

Chap. 35

[May Session, ch. 35, 1786.]

Chapter 36.

RESOLVE ON THE PETITION OF *SAMUEL HEWES*, DIRECTING THE TREASURER TO RECEIVE A NOTE OF £1400 AND TO GIVE HIM A NEW NOTE FOR THE VALUE THEREOF, ADDING THE INTEREST ARISING THEREON.

Chap. 36

On the Petition of *Samuel Hewes*, representing that he is possessed of a note given by *Harrison Gray*, Esq; late Treasurer of the then Province of *Massachusetts Bay*, for *Fourteen Hundred Pounds*, Dated *December 1.st, 1773*; that said note was *bona fide* purchased, by the house of *Lane, Son and Frazier*, on his account, and is in fact his property, and that the present Treasurer of this Commonwealth is in doubt, whether he is authorized to receive the same, occasioned by a Resolve of the General Court, passed *September 24, 1782*, for reasons set forth in the said Petition :

Resolved, That the treasurer of this Commonwealth be, and he is hereby directed, to receive said Note of *Fourteen Hundred Pounds*, and give said *Samuel Hewes* a new Note for the Value thereof, adding thereto the Interest arising thereon, and Bounty, agreeably to a Law of this Commonwealth for the consolidating Public Securities, the said Resolve of *September 24, 1782*, notwithstanding.

June 19, 1786.

Chapter 37.

RESOLVE ON THE PETITION OF *BENJAMIN WISER*, AUTHORIZING HIM TO MAKE SALE OF THE LAND MENTIONED.

Chap. 37

On the Petition of *Benjamin Wiser*, of *Grafton*, in the County of *Worcester*, (Indian man) Praying that he may

* Governor's message, see end of volume.

be Authorized and empowered To Sell and Convey about Twenty Acres of his lands, for Reasons set forth in his said Petition :

Resolved, that the said *Benjamin Wiser* be, and he hereby is Authorized and empowered To make Sale of about Ten Acres and Ten Rods of his upland, and about Ten Acres of his meadow land, and To make and Execute To the Purchaser or Purchasers thereof a deed or deeds of sale, which deed or deeds so made and Executed shall be deemed valid in Law, to all intents and Purposes, any Law to the contrary Notwithstanding.

it is *Provided Nevertheless*, that the Trustees of *Grafton* indians, shall inspect the Matter aforesaid, so far as to Cause the proceeds Arising from the Sales of the lands aforesaid to be Applied to the payment of the said *Wiser's* Just Debts.

June 19, 1786.

Chapter 38.

Chap. 38 RESOLVE ON THE PETITION OF *JONATHAN BROWN*, IN BEHALF OF THE TOWN OF *WATERTOWN*, AUTHORIZING *JOSIAH CAPEN* TO FINISH THE COLLECTING SEVERAL ASSESSMENTS COMMITTED TO *WILLIAM WARREN*, LATE COLLECTOR AND CONSTABLE FOR SAID TOWN.

On the Petition of *Jonathan Brown*, in behalf of the Town of *Watertown*, praying the aid of the Legislature to Confirm the doings of the said Town in the choice of certain Collectors in the Room of others confined, as set forth in said Petition :

Resolved That *Josiah Capen*, chosen a Collector of Taxes in said Town of *Watertown*, to finish collecting several Assessments committed to *William Warren*, late Constable and Collector for said Town, who is now confined in his House for Debt, and *Jedediah Leathe*, chosen a Collector of Taxes to finish collecting several Assessments committed to *Henry Bradshaw* Collector, now confined in Goal for his private Debts, be, and hereby are severally Authorized and invested with all the Powers and Authority, to finish the collecting of the several Assessments, committed to said *Warren* and *Bradshaw*, as is provided in one certain Act of this Commonwealth, passed *February* the 16th, 1786, for enforcing the speedy payment of Rates and Taxes, and directing the process Against deficient Constables and Collectors taken on Exe-

cution by virtue of said Act; and the said Collectors last chosen as aforesaid shall be liable to the same penalties in all respects, as is therein Mentioned, and the Assessors of the said Town of *Watertown* shall be, and hereby are directed to proceed with the said *Warren* and *Bradshaw* in the same manner, in all respects, as if the said *Warren* and *Bradshaw* were taken on Execution, as mentioned in said Act, and now in Confinement thereon.

June 19, 1786.

Chapter 39.

RESOLVE ESTABLISHING THE PAY OF MESS'RS. ADAMS AND NOURSE, PRINTERS TO THE GENERAL COURT.

Chap. 39

Whereas *Adams* and *Nourse*, Printers, have offered to perform the Printing Business of the General Court for the present Year, at the rate of three fifths of a Penny a sheet, and in the same manner that it was done the last Year :

Resolved, That the said *Adams* and *Nourse* be paid out of the public Treasury at the rate of three fifths of a Penny, for all the Laws and Resolves that may be printed by them, and in the same manner for all other printing that may be done for the General Court, provided it is done in like manner with their Printing the last Year.

June 20, 1786.

Chapter 40.*

Chap. 40

[May Session, ch. 40, 1786.]

Chapter 41.

RESOLVE GRANTING TO THE HON. *TIMOTHY EDWARDS*, ESQ; ONE OF THE AGENTS ELECTED BY A RESOLVE OF MARCH 14TH, 1786, FOR SETTLING THE BOUNDARY LINE BETWEEN THIS STATE AND THE EASTERN EXTREMITY OF THE STATE OF NEW YORK, TO CARRY SAID RESOLVE INTO EXECUTION, AND DIRECTING THE TREASURER IN THE CASE.

Chap. 41

Resolved, that there be allowed and paid out of the public Treasury, *Three hundred and fifty pounds*, to the Hon^{ble}. *Timothy Edwards*, Esq; one of the Agents appointed by a Resolve of *March 14th*, 1786, for the purpose of settling the boundary line between this State and

* Governor's message, see end of volume.

the Eastern extremity of the State of *New York*, to enable him, and the Other Agents appointed with him, to carry into execution said Resolve, and to pay the Commissioners appointed by Congress to settle and make the said boundary line, this State's proportion for their respective services, said *Edwards* to be accountable therefor.

June 20, 1786.

Chapter 42.

Chap. 42 RESOLVE ON THE PETITION OF *JOHN PAGE*, AUTHORIZING THE JUDGE OF PROBATE OF WILLS FOR *SUFFOLK* COUNTY, TO APPOINT COMMISSIONERS TO EXAMINE HIS CLAIM ON THE ESTATE OF *THEOPHILUS LILLIE*.

On the Petition of *John Page* Praying that he may have leave to lay a Claim before the Commissioners Appointed by the Judge of Probate for the County of *Suffolk*, for Settling the Estate of *Theophilus Lillie*, late an Absentee, in said Estate, for allowance, as set forth in said Petition :

Resolved, that the Prayer of the Petition be so far Granted, that the Judge of Probate of Wills, &c. for the County of *Suffolk*, be, and he hereby is Authorized and empowered, on Application, to Appoint Commissioners to examine the Claim of *John Page*, on the aforesaid Estate of *Theophilus Lillie*, for the Term of one month from the Time of their Appointment, for the purpose aforesaid, at the Expence of the said *Page*, that he may have an Opportunity To Exhibit his Claim within the Term Mentioned, any Law to the Contrary Notwithstanding.

June 20, 1786.

Chapter 43.

Chap. 43 RESOLVE DIRECTING THE COMMISSARY GENERAL TO SELL AT PUBLIC AUCTION THE STORE HOUSES IN THE TOWNS OF *WATERTOWN* AND *SUDBURY*, FOR PUBLIC SECURITIES.

Resolved, That the Commissary General be, and he hereby is impowered and directed to sell at Public Auction, (or private sale) the Store Houses belonging to this Commonwealth, in the Towns of *Watertown* and *Sudbury*, for the most the same will fetch, in public securities, of any kind, and if the said Commissary General shall determine to sell the said Store houses, or either of

them at Public sale, he shall in that case, give public notice of such sale, Ten days at least, previous thereto; and the Commissary is further directed, to pay the Proceeds thereof into the Public Treasury of this Commonwealth, taking duplicate Receipts therefor, one of which to be lodged in the Secretary's Office. *June 20, 1786.*

Chapter 44.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BOWDOINHAM*, ABATING ONE HUNDRED AND SIXTY SEVEN POUNDS FOURTEEN SHILLINGS, OUT OF THE TAX ASSESSED IN THE YEAR 1783, FOR THEIR DEFICIENCY IN NOT RAISING THEIR PROPORTION OF THREE YEARS AND FIVE MONTHS MEN. *Chap. 44*

On the petition of the Selectmen of the Town of *Bowdoinham*, in the County of *Lincoln*:

Resolved, That there be allowed and abated to the Town of *Bowdoinham*, One hundred and Sixty seven pounds fourteen Shillings, out of the Tax, which in the year one thousand seven hundred and Eighty three, was Assessed on the said Town for their deficiency in not raising Their proportion of Three years, and five months men: and the Treasurer is hereby directed to govern himself accordingly. *June 22, 1786.*

Chapter 45.*

[May Session, ch. 45, 1786.]

Chap. 45

Chapter 46.

RESOLVE ON THE GOVERNOUR'S MESSAGE, APPOINTING *JAMES AVERY*, ESQR; *JONATHAN BUCK*, ESQR; AND MR. *GEORGE BILLINGS*, A COMMITTEE TO EXAMINE WHAT REMAINS OF THE FORT AT *MAJORBAGWADUCE*, AND PREVENT DESTRUCTION OR REMOVAL OF THE ARTICLES LEFT, AND TO SELL THE SAID ARTICLES IF THEY SHALL JUDGE PROPER, AND DIRECTING THE SECRETARY TO TRANSMIT THIS RESOLVE. *Chap. 46*

Resolved, That *James Avery*, Esqr; of *Machias*, and *Jonathan Buck*, Esqr; and Mr. *George Billings*, of *Majorbagwaduce*, be, and they hereby are appointed a Committee on behalf of this Commonwealth to examine what remains of the Fort which the British Troops built at the

* Governor's message, see end of volume.

Place last abovementioned, and prevent the Destruction or Removal by private Persons, of the Articles left by the said Troops, or the Materials used in building the said Fort, and if in the Opinion of the said Committee, it will be for the Interest of this Commonwealth to make Sale of the Articles and Materials aforesaid, or any of them, the said Committee are hereby authorized and impowered to sell the same in such manner as will be most advantageous to the Commonwealth, they to be accountable for the Proceeds of the sale. And if the said Committee shall think it will be advantageous to this Commonwealth to preserve what Remains of the Fort abovementioned, the s^d Committee are hereby directed to report to the Governour of the Commonwealth as soon as may be, what Measures they apprehend are necessary to be taken for that Purpose.

And the Committee aforesaid are further directed to make enquiry for such Articles which belonged to the said Fort, as have been taken therefrom, since the same was evacuated by the Britons, and to take proper measures for the recovery of them.

And the Secretary of this Commonwealth is hereby directed, to transmit a copy of this resolve to the Committee aforesaid, as soon as may be.

June 23, 1786.

Chapter 47.

Chap. 47 RESOLVE ON THE PETITION OF CHARLES CHANDLER AND OTHERS, CHILDREN OF JOHN CHANDLER, ESQ; CONFIRMING ALL THAT PART OF THEIR FATHER'S REAL ESTATE, WHICH WAS SET OF TO THEIR MOTHER FOR HER THIRDS.

On the Petition of *Charles Chandler, Samuel Chandler, Sarah Stanton, Mary Sever, Lucretia Chandler, Thomas Chandler, and Elizabeth Chandler*, praying that they may have that part of their Father's real Estate, which was assigned and set off to their Mother as her thirds, granted and confirmed to them in fee simple, and representing that the Resolve lately passed for that Purpose will not produce to the said Petitioners, the Beneficial Effects intended by the Legislature: Therefore,

Resolved, That the Resolve of the General Court of the tenth of *June*, current, on the Petition of the s^d *Charles Chandler* and others, Petitioners abovementioned, be and the same is hereby repealed.

And it is further *Resolved*, that the Prayer of the said Petition first afor^{sd}, be so far granted, that the said Petitioners have Confirmed unto them, and they are hereby declared to be seized and possessed in Fee simple, as Tenants in Common, of all that part of their Father's real Estate which was assigned and set off to their Mother, for her thirds, excepting a certain Parcel thereof, which hath been described and granted to the County of *Worcester*, for the Purpose of erecting a Goal thereon, the Petitioners paying and discharging all those Debts due from the said Estate, which have not already been examined and allowed by the Commissioners on the same, as reported to the Judge of Probate for the said County. *June 23, 1786.*

Chapter 48.

RESOLVE ON THE PETITION OF *JOSEPH STONE*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. AND STAYING EXECUTION. *Chap. 48*

On the petition of *Joseph Stone*, seting forth that a cause was decided against him, by means of admitting a witness in Said cause, which was particularly interested therein, as set forth in said petition. :

Resolved, that the prayer of said petition be so far granted, as that the said *Joseph* serve *Abisha Phelps*, the adverse party, with an attested copy of his petition, and this Resolve, thirty days before the second Wednesday of the next siting of the General court, that he may then appear and Shew cause if any he hath, why the prayer of said petition should not be granted, and that Execution be stayed in the mean time. *June 23, 1786.*

Chapter 49.*

RESOLVE RESPECTING THE *DUDLEY* INDIANS, DISCHARGING MR. *NATHANIEL HEALY*, *SAMUEL HARRIS* AND *EDWARD DAVIS*, FROM THEIR TRUST, AND APPOINTING CAPT. *LEMUEL CORBIN*, AND OTHERS, GUARDIANS TO SAID INDIANS, AND VESTING THEM WITH ALL THE POWERS, &c. HERETOFORE VESTED IN SAID GUARDIANS. *Chap. 49*

Whereas it appears to this Court, that a General uneasiness hath existed for a considerable time in the minds of the *Dudley* Indians, (so called,) relative to the proceed-

* Taken from court record.

ings of two of their Guardians, with respect to their lands. And whereas Mr. *Samuel Harris*, the other of said Guardians, lives at such a distance from the lands of the said Indians as renders it difficult for him to discharge the duties of his Office.

Resolved, that Mr. *Nathaniel Healy*, Mr. *Samuel Harris*, and *Edward Davis*, esq^r Guardians to the said Indians, be, and hereby are discharged from the said trust, and that Captain. *Lemuel Corbin*, *Mark Dodge* and *John Healy*, be and are hereby appointed Guardians to the said *Dudley* Indians, in the room of the said *Nathaniel Healy* and *Edward Davis*; and the said Guardians are hereby invested with all the powers and authorities, which have been heretofore vested in the Guardians of the *Dudley* Indians, and to be in the same manner accountable to this Court, any law or resolve to the contrary notwithstanding.

June 23, 1786.

Chapter 50.

Chap. 50 RESOLVE ON THE PETITION OF *TIMOTHY WILLIAMS*, GRANTING HIM LIBERTY TO SELL SPIRITOUS LIQUORS BY RETAIL IN THE TOWN *WATERTOWN*, UNTIL THE SECOND TUESDAY OF *SEPTEMBER* NEXT, HE RECOGNIZING, &c.

On the petition of *Timothy Williams*, praying for liberty to sell spiritous liquors by retail, he having lately opened a distillery of *New England* rum in *Watertown*:

Resolved, that the prayer of his petition be granted, and that he have full liberty to sell spiritous liquors by Retail in the Town of *Watertown*, until the Second Tuesday of *September* next, the Usual time for granting licences for and within the said County of *Middlesex*, He, the said *Williams*, Recognizing before *Thad^s Mason*, Esqr; Agreeable to law, to pay his Excise, and conform himself to the laws of this Commonwealth, respecting persons licenced to sell spiritous liquors by Retail.

June 24, 1786.

Chapter 51.

Chap. 51 RESOLVE GRANTING THE SUM OF *ELEVEN THOUSAND POUNDS*, TO THE COMMISSARY OF PENSIONERS.

Whereas it appears to this Court expedient that a grant be made to the Commissary of Pensioners for the Purpose of paying those Persons borne on the Pension list:

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to *John Lucas Esqr*; Commissary of Pensioners, the sum of *Eleven thousand pounds*, for the purpose of paying the several pensioners borne on the Pension list, up to the 17th of *March*, One thousand seven hundred and eighty six, the said Commissary to be accountable for the same :

And it is further *Resolved* that the Treasurer of this Commonwealth be, and he is hereby impowered and directed to pay the sum granted by this Resolve in Certificates, in favour of such Persons, and in such sums as the said Commissary shall request; which Certificates shall be received in all Taxes heretofore granted, excepting the two Continental taxes, granted in the Year 1782, the Tax granted in the Year 1784, for the redemption of the Army Notes, so called, and the Tax granted in the Year 1786.

June 24, 1786.

Chapter 52.

RESOLVE ON THE PETITION OF *JEREMIAH HILL*, IN BEHALF OF *JONATHAN EMERY*, AUTHORIZING THE TREASURER TO ISSUE HIS WARRANT FOR THE PURPOSES MENTIONED.

Chap. 52

On the Petition of *Jeremiah Hill*, in behalf of *Jonathan Emery*, one of the Constables of the Town of *Bildeford*, for the year 1778, praying that the present Treasurer may be authorized and directed to issue his Warrant, which by Treasurer *Gardiner* was omitted, to enable him to compleat the Collection of a Tax committed to him to collect for the year afor^d :

Resolved, that the prayer of said Petition be granted, and that the Treasurer of said Commonwealth for the Time being be, and he hereby is authorized and directed to issue his Warrant, for the purpose afor^d, which shall be as valid in Law as if the same had been issued by the said Treasurer *Gardiner*, any Law to the contrary notwithstanding.

June 24, 1786.

Chapter 53.

RESOLVE ON THE PETITION OF *ELMER CUSHING*, GRANTING HIM LICENCE TO SELL SPIRITOUS LIQUORS.

Chap. 53

On the petition of *Elmer Cushing*, praying for Licence to Retail Spiritous Liquors, as set forth in his Petition :

Resolved, That the prayer thereof be so far granted, that any two Justices of the Peace for the County of *Worcester*, *quorum unus*, be, and hereby are impowered, (if they shall think needful) to Licence the said *Elmer* to exercise the employment of a retailer of Spiritous Liquors till the next Court of General Sessions of the Peace for the County aforesaid, he producing the approbation of the Selectmen of *Shrewsbury*, to the said Justices, and entering into recognizances, as the law directs, on granting licences, — any Law, Custom, or Usage to the Contrary notwithstanding.

June 24, 1786.

Chapter 54.

Chap. 54 RESOLVE ON THE PETITION OF *EZEKIEL AVERELL*, DIRECTING THE TREASURER TO PAY THE SUM MENTIONED, THAT HAS BEEN OBTAINED BY A FORGED ORDER.

On the petition of *Ezekiel Averell*, Praying that he may be paid his wages for service in the Continental army; the same having been received by a Fraudulent person, Notwithstanding:

Resolved, That the Treasurer be and he hereby is Directed, to pay to the said *Ezekiel*, the Sum that appeared to be Due to him for the Service aforesaid, by the Muster Roll of Capt. *Hunt's* company, Coll^o *Jackson's* Reg^t, in the same manner as he Should have Done, if the Same had not been rec^d by Fraud, as aforesaid.

June 24, 1786.

Chapter 55.

Chap. 55 RESOLVE DECLARING THE TOWN OF *STANDISH*, TO BE INTITLED TO ALL THE BENEFITS OF THE RESOLVE OF THE 8TH OF *MARCH* LAST, THE TIME LIMITED IN SAID RESOLVE FOR THE ASSESSORS TO BE SWORN, NOTWITHSTANDING.

Whereas it appears to this Court, that the Resolve of the eighth of *March*, 1786, abating a Part of the Taxes on the Town of *Standish*, did not come to the Knowledge of the Said Town, till after the fifteenth of *April*, the Time limited therein for the Assessors to be sworn, and that the Assessors were sworn the third Day after Receiving said Resolve:

Resolved that the town of *Standish* be, and they are hereby declared to be entitled to all the benefit expressed

in said Resolve of the eighth of *March* last, the Time limited by said Resolve for the Assessors to be sworn having Elapsed before they were sworn, notwithstanding.

June 24, 1786.

Chapter 56.

RESOLVE ON THE PETITION OF SEVERAL TOWNS IN THE COUNTY OF YORK, *VIZ. BIDDEFORD, PEPPERRELBOROUGH, WELLS, LEBANON, SANDFORD, BUXTON, AND LYMERIC*, ALLOWING AN ABATEMENT ON THEIR TAXES.

Chap. 56

On the Petition of several Towns in the County of *York*, *viz. Biddeford, Pepperrelborough, Wells, Lebanon, Sandford, Buxton, and Lymeric*, praying for an Allowance and Abatement of their Taxes, In Consideration of their Losses sustained by the extraordinary Freshet, in *Oct* 1785:

Resolved, that the prayer of said Petitions be so far granted, that there be allowed as an Abatement to the said Towns, the following Sums, *viz. Biddeford one hundred pounds; Pepperrelborough one Hundred pounds; Lebanon Eighty pounds; Sandford Sixty pounds; Buxton Seventy five pounds*, — out of their Beef Taxes; *Wells ninety pounds*, out of their Beef Tax, and Tax for 1781; *Lymeric twenty five pounds* for their Losses, and a further Sum of *Seventy Eight pounds Six shillings and seven pence* is allowed to said *Lymeric* in Consideration of their Inability to pay the Taxes laid on them, by deducting the same from the Balance due from said *Lymeric*, out of their Beef Tax and taxes due in the Years 1779, 1780 and 1781, To the Treasurer of this Commonwealth; and the Treasurer is hereby directed to govern himself accordingly.

June 26, 1786.

Chapter 57.

RESOLVE ON THE PETITION OF STEPHEN SMITH, IN BEHALF OF SOLOMON SOUTHWICK, GRANTING HIM THIRTY FIVE POUNDS THREE SHILLINGS AND SIX PENCE, FOR CERTAIN SUPPLIES TO COL. TURNER'S REGIMENT AT RHODE ISLAND.

Chap. 57

On the petition of *Stephen Smith*, in Behalf of *Solomon Southwick*, setting forth that there was Due to him on the 1st. Day of *Octo* 1781, for two hundred and thirty four

bushels of onions &c. Supplied Col^l *Turner's* Regiment at *Rhode Island*, *forty four pounds fifteen Shillings*:

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Said *Solomon Southwick*, the Sum of *thirty five pounds three shillings and six pence*, in full of his acc^t, the Same to be charged to the United States of *America*. *June 26, 1786.*

Chapter 58.

Chap. 58 RESOLVE ON THE PETITION OF *BENJAMIN TITCOMB*, *SAMUEL FREEMAN*, AND *PETER NOYES*, AUTHORIZING THE ASSESSORS OF THE FIRST PARISH OF THE TOWN OF *FALMOUTH* TO MAKE OUT A WARRANT TO *JOSHUA FREEMAN*, REQUIRING HIM TO COLLECT A TAX ASSESSED IN THE YEAR 1782.

On the Petition of *Benjamin Titcomb*, *Samuel Freeman*, and *Peter Noyes*:

Resolved, that the Prayer of said Petition be granted, so far as that the Assessors of the first Parish of the Town of *Falmouth* for the Current year, be Authorized, and they are hereby Authorized and impowered, to make out and Deliver their Warrant to *Joshua Freeman* of said Parish, requiring him to Collect a Tax which was Assessed by the said *Benjamin*, *Samuel* and *Peter*, in the Year 1782, and put into the said *Joshua's* Hands to Collect, *viz.* such Part of said Tax as still remain uncollected.

June 26, 1786.

Chapter 59.

Chap. 59 RESOLVE ON THE PETITION OF *ROBERT BLAIR*, IN BEHALF OF THE TOWN OF *BLANFORD*, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE.

On the Petition of *Robert Blair*, in behalf of the Town of *Blanford*, setting forth, that the said Town was fined in the last State Tax, for not sending a Representative, and praying that the same may be abated, for reasons set forth in his Petition:

Resolved, that the Prayer of the Petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said Town of *Blanford* in the last State Tax, the sum of *Nineteen Pounds and two Shillings*, being the Fine set on said Town.

June 26, 1786.

Chapter 60.

RESOLVE ON THE PETITION OF *DANIEL BIGELOW*, DIRECTING THE TREASURER TO SUSPEND ISSUING EXECUTIONS AGAINST THE TOWN OF *PETERSHAM*, FOR THE DEFICIENCY OF TWO TAXES FOR 1781. Chap. 60

On the petition of *Daniel Bigelow*, praying that warrants of distress may not immediately issue against the Town of *Petersham*, for reasons set forth in said petition :

Resolved, that the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed to suspend issuing Execution against the Town of *Petersham* for the deficiency of Two Taxes on said Town for the year 1781, the one amounting to the sum of *Two Hundred and twenty four pounds four shillings 3 farthings*, the other to the Sum of *one hundred and forty seven pounds five shillings and six pence*, being Taxes Committed to *Isaac Packard*, a Constable for said Town, to Collect, for twelve months from the date of this resolve, any Law or resolve to the Contrary notwithstanding.

June 26, 1786.

Chapter 61.

RESOLVE ON THE PETITION OF *WILLIAM STARKWEATHER*, IN BEHALF OF THE DISTRICT OF *NEWASHFORD*, EMPOWERING THE COMMITTEE FOR THE SALE OF THE UNAPPROPRIATED LANDS IN *BERKSHIRE* COUNTY, IN THE DISPOSAL OF THE LANDS IN SAID DISTRICT. Chap. 61

On the petition of *William Starkweather*, in Behalf of the District of *Newashford*, praying that the Said District, and the Settlers Inhabiting the Same, may have an Allowance in lands, Equal to what has been Usually Assigned by this Commonwealth, to Districts And Settlers under Similar Circumstances :

Resolved that the Committee For the Sale of the Unappropriated land belonging to this Commonwealth, in the County of *Berkshire* Be, and they hereby Are empowered And Directed, in the Disposal of the lands belonging to this Commonwealth, in the District of *Newashford*, To provide for the following Reservations and Appropriations, *viz.* — two hundred Acres for the first Settled minister, two hundred Acres for the Use of the ministry, and two hundred and Eighty Acres for the use of A Grammar School, And to make Such Allowance to

the Settlers, as A Compensation for Settlement, As to the Said Committee may appear Reasonable, not exceeding one hundred Acres to each. *June 26, 1786.*

Chapter 62.

Chap. 62 RESOLVE ON THE PETITION OF AMOS AND ROBERT FULLER, AUTHORIZING THE ASSESSORS OF THE TOWN OF NEEDHAM, TO ASSESS A CERTAIN SUM ON SAID TOWN.

On the Petition of *Amos Fuller* and *Robert Fuller*, Assessors of the Town of *Needham*, praying that *twenty seven pounds thirteen shillings and one penny* (which sum is due to this Commonwealth from *Thomas Gardner* a deficient Collector of Taxes for said Town for the Year 1780), may be annexed to and assessed with said Town's proportion of the Tax granted in *March* last :

Resolved that the Prayer of the Petition be granted, and the Assessors of the town of *Needham*, are hereby authorized and impowered to add the sum of *twenty seven pounds thirteen shillings and one penny* aforesaid to said Tax, and assess it on said Town, to be paid in Specie.

June 26, 1786.

Chapter 63.

Chap. 63 RESOLVE ON THE PETITION OF THE TOWN OF HOLDEN, ABATING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE THE LAST YEAR.

On the petition of the Town of *Holden*, praying for the abatement of a fine, for not sending a Representative to the General Court of this State, the last year :

Resolved that as the Town of *Holden* labor under peculiar difficulties, the sum of *Nine Pounds ten Shillings*, part of the fine aforesaid, be remitted said Town, and that the Treasurer of this Commonwealth, be and hereby is directed to Credit the said Town of *Holden* with the abovementioned Sum, accordingly. *June 26, 1786.*

Chapter 64.

Chap. 64 RESOLVE ESTABLISHING THE PAY OF THE DELEGATES, REPRESENTING THIS STATE IN CONGRESS.

Resolved that there be allowed to each delegate, who Shall hereafter be Chosen to represent this Commonwealth,

in the Congress of the united States, for his Service and expence for each Day lord's days included from the time of his leaving home, until his return the sum of *twenty seven shillings*.
June 27, 1786.

Chapter 65.

RESOLVE ON THE PETITION OF *JOSEPH BUSH*, DECLARING
 VALID A CERTAIN DEED. *Chap. 65*

Upon the Petition of *Joseph Bush*, of *Brookfield*, in the County of *Worcester*, sitting forth, that in the Month of *April* in the year of Our Lord, One Thousand Seven hundred and seventy eight, the General Court of the then State of *Massachusetts*, passed a Resolve upon the Petition of *William Watson*, and *Susannah Watson*, administrators on the Estate of *William Watson*, late of s^d *Brookfield*, deceased Empowering the said (administrators in their said capacity) to make Sale of about Forty Acres of Land in said *Brookfield*, part of the Real Estate of the said deceased, for the most the same wou^d fetch, and to make and execute a good Deed or Deeds, to the purchaser or purchasers they Observing the Rules in the Law, for Sale of real Estates by executors and administrators, and giving Bond to the Judge of Probate for the County of *Worcester*, that the proceeds thereof be disposed of according to Law; And that thereupon they did make Sale of said Land, (but without giving Bond as aforesaid) and did give and execute in favor of him the said *Joseph* a Deed thereof:

Resolved, that the said Deed, be, and hereby is declared Legal and Valid to all Intents and purposes; The neglect of giving Bond as aforesaid notwithstanding.

June 27, 1786.

Chapter 66.*

[May Session, ch. 66, 1786.]

Chap. 66

Chapter 67.

ORDER FOR THE CLERKS OF THE JUDICIAL COURTS TO RETURN
 AN ACCOUNT OF THEIR FEES. *Chap. 67*

Ordered, That the Clerk of the Supreme Judicial Court, the Clerks of the several Courts of Common Pleas, and

* Governor's message, see end of volume.

the Clerks of the several Courts of General Sessions of the Peace within this Commonwealth, be, and they hereby are directed, to lay before the General Court, on the second Wednesday of their next sitting, a particular account of all monies by them respectively received for their service in the said Offices, since the first of *July 1782*: and the Secretary is hereby required, to give each of the before mentioned Officers timely notice of this order, that they may govern themselves accordingly. *June 28, 1786.*

Chapter 68.

Chap. 68 RESOLVE ON THE PETITION OF ISAAC HOW, JOSEPH BILLINGS AND LEMUEL TILESTON, GRANTING FORTY SHILLINGS FOR EACH PRISONER THEY HAVE TAKEN UP AND RETURNED TO CASTLE ISLAND, WHO MADE THEIR ESCAPE FROM SAID ISLAND; AND EXPLAINING AN ACT ENTITLED AN ACT, PROVIDING A PLACE OF CONFINEMENT FOR THIEVES AND OTHER CONVICTS TO HARD LABOUR, PASSED MARCH 14, 1785.

On the Petition of *Isaac How, Joseph Billings and Lemuel Tileston*, Praying that a Bounty of *forty shillings* may be granted to them for each Prisoner they have taken up and returned to Castle Island, as set forth in their Petition:

Resolved, That the Prayer of the said Petition be granted, and that there be allowed, and paid to the said *Isaac, Joseph and Lemuel*, out of the Treasury of this Commonwealth, the sum of *forty shillings* for each prisoner by them taken up, and returned to Castle Island, who made their Escape from the said Island, on the night of the twenty second of *April* last, together with all just Cost and Charges, by them the said *Isaac, Joseph and Lemuel*, laid out and Expended, in taking up and returning the same Prisoners:

And be it further *Resolved*, and it is declared to be the true intent and meaning of the Act, entitled “An Act providing a place of confinement for Thieves, and other Convicts to hard labour,” passed the fourteenth day of *March 1785*, that the bounty of *forty shillings*, be allowed for each and every Convict, when more than one shall be taken up and returned to Castle Island, at the same time, as well as for any one such convict so taken and returned, by virtue of the said Act. *June 28, 1786.*

Chapter 69.

RESOLVE GRANTING NINE POUNDS, TO ROBERT MILLER, FOR *Chap. 69*
HIS PENSION FROM THE FIRST OF JANUARY, 1785, TO THE
FIRST OF JANUARY, 1786, PAYABLE TO JOSHUA BAYLEY
OSGOOD, ESQ;

On the Petition of *Robert Miller*, setting forth, that he lost an Arm at the Siege of *Louisburg*, in the year 1745, In Consideration of which, a Pension of *nine pounds*, per annum, was granted him by this Government:

Resolved, that there be paid out of the Treasury of this Commonwealth, to the said *Robert Miller*, the sum of *nine pounds*, in full for his Pension, from the first day of *January*, 1785, to the first day of *January*, 1786, and that *Joshua Bayley Osgood*, Esqr; of *Biddeford*, agreeably to the prayer of the Petitioner, be, and he hereby is authorised to receive the same.

June 30, 1786.

Chapter 70.

RESOLVE ON THE GOVERNOR'S MESSAGE, FOR COMMEMORATING THE FOURTH OF JULY, 1786, REQUESTING HIS EXCELLENCY TO ORDER A DISCHARGE OF CANNON, AND DESIRING THE CHAPLAIN TO OFFICIATE IN THE RELIGIOUS EXERCISES OF THE DAY, AND REQUESTING THE GOVERNOR WITH THE ADVICE OF COUNCIL, ON FUTURE OCCASIONS. *Chap. 70*

Whereas it is proper, that this Government should, with true Gratitude commemorate the period, at which the United States declared themselves sovereign and independent, and by that means took rank among the Nations of the Earth: Therefore,

Resolved, that the Legislature of this Commonwealth, will on Tuesday next, at eleven o'Clock in the forenoon, repair to the Chapel Church in the Town of *Boston*, for the purpose of celebrating the Anniversary of the Independence of the United States of *America*, and there, in a solemn manner, render thanks to Almighty God, for his singular and manifold favours hitherto conferred upon these States, and at the same time humbly implore his blessing, that the dispositions, and endeavours of this people, may be directed to those principles, and that conduct, which, under the guidance of His Providence, will serve to render our revolution, such a blessing to ourselves, and to our posterity, as it has capacitated us to enjoy.

Resolved, That his Excellency the Governor, his Honor the Lieut Governor, and the Honorable Council, be requested to accompany the two branches of the Legislature, on this occasion, and that His Excellency be requested to direct the discharge of Cannon, in such manner as he may think proper. And the Chaplain of the General Court is desired to officiate in the religious exercises of the day.

And it is further *Resolved*, That the Governor of this Commonwealth, for the time being, with advice of Council, be requested, on all occasions of this kind in future, to provide a convenient place for the Governor, Lt. Governor, the Council, and the two branches of the Legislature (if sitting) to convene in, for the purposes of performing the religious exercises mentioned in this Resolve, and to direct the discharge of Cannon, in such manner as is herein before mentioned.

June 30, 1786.

Chapter 71.

Chap. 71 RESOLVE GRANTING TO EACH OF THE COMMISSIONERS, ELECTED TO MEET IN CONVENTION AT ANNAPOLIS, ONE HUNDRED POUNDS.

Resolved, that there be allowed to each of the Commissioners, chosen to represent this Commonwealth, in the Convention to meet at *Annapolis*, in *September* next, the same pay as is allowed to the Delegates of this Commonwealth in Congress.

And it is further *Resolved*, that there be paid out of the Treasury, to each of the said Commissioners, who may go forward on the business of their appointment, the sum of *One hundred pounds*, they to be accountable for the same.

June 30, 1786.

Chapter 72.

Chap. 72 RESOLVE ON THE PETITION OF THOMAS RUSSELL, AND JOHN CODMAN, JUN. DIRECTING THE COLLECTOR AND NAVAL OFFICER FOR THE PORT OF BOSTON, TO DELIVER SUCH PART OF THE SHIP MENTIONED, &c., AS WOULD ACCRUE TO THIS COMMONWEALTH IN CASE OF CONDEMNATION.

On the petition of *Thomas Russell & Jun^r Codman*, Jun^r both of Boston, Merchants, and Owners of the Ship *Boston packet*, *Nath^l Byfield Lyde* master, praying that the said Ship, now under seizure for breach of Law,

might be released, & not exposed to further prosecution, for reasons sett forth in said Petition :

Resolved, that the Collector & Naval Officer for the port of *Boston*, who seized the said Ship *Boston packet*, be, and they are hereby directed, to deliver up to the said *Thomas Russell & John Codman*, Jun^r such part of the said Ship, with her Appurtenances, as would accrue to this Commonwealth, if the same were tried & condemned.

June 30, 1786.

Chapter 73.

RESOLVE ON THE PETITION OF *ABNER GOODELL*, EMPOWERING HIM TO RE-ENTER THE ACTION AT THE NEXT COURT OF COMMON PLEAS TO BE HOLDEN AT *BOSTON*, BROUGHT AGAINST HIM BY *DAVID BROWN*, HE NOTIFYING THE SAID *BROWN* THEREOF.

Chap. 73

Whereas, *Abner Goodell* hath prayed for a new trial in a case brought against him by *David Brown* of *Salisbury* in the State of *Connecticut*, in which cause he was defaulted, as mentioned in his petition, for reasons therein contained ; and whereas the adverse party has been notified, agreeable to an Order of the General Court, to shew cause, if any he had, why the prayer of the said petition should not be granted, but did not appear : Therefore,

Resolved, that *Abner Goodell* be, and he hereby is empowered to re-enter, at the next Court of Common Pleas, to be holden at *Boston*, in and for the county of *Suffolk*, on the first Tuesday in *October* next, the action brought against him at the said Court in *January* last, by *David Brown*, and the same process shall be had upon the said Action so re-entered, as if the default aforesaid had not been made thereon, but had been continued to the said first Tuesday of *October*, provided the said *Abner Goodell* shall notify the said *David Brown* of this Resolve, by serving him, or his Attorney, with an attested copy of the same, Twenty days at least previous to the said first Tuesday in *October*, and that all proceedings on said action be stayed in the mean time.

July 1, 1786.

Chapter 74.

RESOLVE ON THE PETITION OF *JOHN BRADISH* AND *ABEL PACKARD*, JUN. SELECTMEN OF THE TOWN OF *CUMMINGTON*, DETERMINING THE DIVIDING-LINE BETWIXT SAID TOWN, AND THE DISTRICT OF *PLAINFIELD*.

Chap. 74

On the Petition of *John Bradish* and *Abel Packard*, jun^r. Selectmen of the town of *Cummingtown*, in behalf

of said town, praying that the dividing-line betwixt said Town, and the district of *Plainfield*, may be ascertained and Established, and also that their several proportions of State and County Taxes may be Assigned, as Set forth in said Petition :

Resolved, that the dividing line betwixt the town of *Cummington*, and the District of *Plainfield*, be as followeth, *viz.* begining on the Easterly line of said Town and District at the South East corner of lot No. 5, in the 3^d Division; from thence Ranging Westerly in the Southerly line of said Lot, To the North East Corner of Lot No. 32 in said division; and from thence Keeping the same Range westerly, To the Easterly line of the Town of *Windsor* said Dividing line To be Exactly Parellel with the Southerly line of said Town of *Cummington*.

And be it further *Resolved* that the proportion of said Town of *Cummington* in all future Taxes of said Commonwealth, on the present valuation, be *Twenty three shillings and Two pence* on Each *Thousand pounds*, and the proportion of said District of *Plainfield*, in all future Taxes of said Commonwealth, on the Present valuation, be *Ten shillings and Seven pence* $\frac{1}{2}$ penny on Each *Thousand pounds*.

And be it further *Resolved*, That said Town of *Cummington's* proportion of the Tax Granted by said Commonwealth in *March*, 1786, be and is £372.7.10. and said District of *Plainfield's* Proportion of said Tax is £170.7.10. and the Assessors of said Town and district are hereby Severally Authorized and empowered to Assess the aforesaid Sums as the law directs. *July 3, 1786.*

Chapter 75.

Chap. 75 RESOLVE MAKING GRANTS TO THE REV. PRESIDENT OF HARVARD COLLEGE, AND THE PROFESSORS OF THE SAID COLLEGE.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Rev. *Joseph Willard*, D. D. President of the University in *Cambridge* the sum of *four hundred and eighty three pounds six shillings and eight pence*, which is to be in full for his services as President, for two years and five months, *viz.* from the first of *Jany.* 1784, to the thirty first of *May* 1786, being at the rate of *two hundred pounds* per annum.

To the Rev^d *Edwd. Wigglesworth*, Hollisian Professor of Divinity, in the said University, the sum of *two hun-*

dred and forty one pounds, thirteen shillings and four pence, in full for his services for the two years and five months aforesaid, being at the rate of *One hundred pounds*, per annum.

To the Rev^d *Samuel Williams*, L. L. D. Hollisian Professor of Mathematicks and Natural Philosophy in the said University, the sum of *two hundred and forty one pounds, thirteen shillings and four pence*, in full for his services, for the two years and five months before mentioned, being at the rate of *One hundred pounds*, per annum.

To *Eliphalet Pearson*, A. M. Hancock Professor of Hebrew, and other oriental languages, the sum of *fifty three pounds, thirteen shillings and four pence*, in full for his services for five months next preceeding the said thirty first of *May 1786*, being at the rate of *One hundred pounds*, per annum, and including *twelve pounds*, allowed him for his expences in removing to *Cambridge*; the beforementioned sums being in addition to the Salaries allowed to the President and Professors beforementioned, respectively, from the College funds. *July 3, 1786.*

Chapter 76.

RESOLVE ON THE PETITION OF *WILLIAM DRAKE*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE.

Chap. 76

On the Petition of *William Drake*, praying that he may enter an appeal, and have a new trial at the next Supreme Judicial Court to be holden at *Boston*, on an Action commenced against him by *Isaac Wendell*:

Resolved that the prayer of the said petition be so far granted, as that the petitioner serve the said *Isaac Wendell*, with an attested copy of his petition, and this Resolve thereon, fifteen days at least, before the second Wednesday of the next sitting of the General Court, that he may then shew cause, if any he hath, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time. *July 3, 1786.*

Chapter 77.

RESOLVE ON THE PETITION OF *ELEAZER BROOKS*, AND *FRANCIS FAULKNER*, ESQUIRES, ADMINISTRATORS ON THE ESTATE OF *DANIEL BROOKS*, LATE OF *ACTON*, IN *MIDDLESEX COUNTY*.

Chap. 77

On the Petition of *Eleazer Brooks*, and *Francis Faulkner*, Esquires, Administrators on the Estate of *Daniel*

Brooks, late of *Acton*, in the County of *Middlesex*, deceased, represented Insolvent, Shewing, That having been appointed Administrators as aforesaid, in the year 1773, they accordingly proceeded in the Business of their Appointment; But, from Impediments which arose in the late Revolution, from the Courts not being open, and (since they have been open) for want of official Papers, supposed to have been lost in a Time of general Confusion, and which to this Day have not been found, although frequent and diligent Search has been made for them, in the Office of the Court of Probate for the said County, as appears by a certificate from the Register thereof, that they the said Petitioners have not been able to compleat the Settlement of the said Estate, and therefore praying, that the Judge of the Probate of Wills for the said County, may be authorized to make a Dividend and legal Settlement of the said Estate, upon the best Evidence that the State of the Case will admit of:

Resolved, That for the reasons set forth in the said Petition, the Prayer thereof be granted; And that the Judge of the Probate of Wills for the County of *Middlesex*, be, and he hereby is authorized and empowered, to make a Dividend and legal Settlement of the Estate of *Daniel Brooks*, late of *Acton*, in the said County, deceased, represented Insolvent, upon the best Documents and Evidence that can be obtained, and in such Manner as shall appear to him most equitable.

July 3, 1786.

Chapter 78.

Chap. 78 RESOLVE ON THE PETITION OF *GILBERT DENCH*, EMPOWERING HIM TO RE-ENTER A CERTAIN ACTION AT THE COURT OF COMMON PLEAS NEXT TO BE HOLDEN AT *NORTHAMPTON*, HE NOTIFYING *THOMAS WHITBECK* THEREOF, OR HIS ATTORNEY.

Whereas it appears to the General Court that at the Court of Common Pleas holden at *Northampton*, within and for the County of *Hampshire*, on the last Tuesday of *August* last past, *Thomas L. Whitbeck*, recovered judgment against *Gilbert Dench*, on a note of hand given by the said *Dench*, to the s^d *Whitbeck*, for forty Bushels of Salt; and it appearing reasonable, that there should be a Trial of the Action aforesaid, for Reasons set forth in the Petition: Therefore,

Resolved, that the said *Gilbert Dench* be and he hereby is impowered to re-enter the said Action at the Court of

Common Pleas next to be holden at *Northampton*, within and for the same County, on the last Tuesday of *August* next, and the said Court are hereby authorized and directed to proceed thereon according to Law, and the Rules of the said Court, in the same manner as if the said Action had been regularly continued in Said Court, he the said *Dench* serving the said *Whitbeck* or *Samuel Fowler Esqr*; attorney to the said *Whitbeck*, with an attested copy of this Resolve, twenty days at least, before the same Court and that the Execution on the said judgment be stayed in the mean time.

July 5, 1786.

Chapter 79.

RESOLVE ON THE PETITION OF *ABIGAL BROWN*, ADMINISTRATRIX ON THE ESTATE OF *ENOCH BROWN*, DECEASED.

Chap. 79

On the Petition of *Abigail Brown*, Administratrix of the Estate of her late Husband, *Enoch Brown*, deceased :

Resolved that the Petitioner, (for reasons set forth in her petition) be, and she hereby is, authorized and empowered, in her Capacity as Administratrix aforesaid, to make and execute a good and lawful Deed to *Jonathan Bowditch*, of *Franklin*, in the County of *Suffolk*, of a certain real Estate lying in the said Town of *Franklin* (being the same Estate that the said *Bowditch* lately gave a Deed of to the said *Brown*) consisting of a dwelling House, Barn, and one hundred and ten Acres of Land : On condition that he the said *Bowditch*, pay unto the said *Abigail Brown*, Administratrix as aforesaid, before the executing of the said Deed, the whole Sum that may be found due from him, the said *Bowditch*, to the Estate of the said *Enoch Brown*, for which the Estate of the said *Bowditch* was made over as security ; She the said Administratrix to be accountable for the same to the Judge of Probate for the County of *Suffolk*, any Law or Resolve to the contrary notwithstanding.

July 5, 1786.

Chapter 80.

RESOLVE ESTABLISHING THE PAY OF THE GENERAL COURT.

Chap. 80

Resolved that there be allowed and paid out of the public Treasury, the Sum of *Eight Shillings* to each member of the Honorable Council and the Sum of *Seven Shillings and Six pence*, to Each member of the Honorable Senate; and the Sum of *Seven Shillings* to Each member of the house of Representatives, for Each day

they have attended the Council, or General Court, the present Session, also the further Sum of one day's pay for every ten miles Distance each member Lives from the place of the Court's Sitting.

And it is further *Resolved*, that there be Granted and paid out of the Publick Treasury, to the Honb^l *Samuel Phillips, Jr. Esqr*; President of the Senate, the Sum of *Six Shillings* per Day; and to the Honb^l *Artemas Ward, Esqr*; Speaker of the House of Representatives, the Sum of *Six Shillings* per Day, for Each day's attendance on the General Court, at the present Sitting, over and above their Respective pay as members thereof.

And be it further *Resolved* that there be allowed and paid out of the publick Treasury, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Honb^l Senate, the sum of *forty pounds* Each on account of their services the present year.

July 5, 1786.

Chapter 81.

Chap. 81 RESOLVE ON THE PETITION OF JOSEPH LEE, AND WILLIAM WILLARD, ADMINISTRATORS ON THE ESTATE OF AARON WILLARD.

On the Petition of *Joseph Lee*, and *William Willard*, Administrators on the Estate of *Aaron Willard*, Praying that the Commissioners on Said Estate may be Directed to make Return of their Doings to the Judge of Probate, the Time Limited by Law being Elapsed notwithstanding:

Resolved, That the Prayer of the Said Petition be Granted, and the Said Commissioners are Directed to Make return of their doings to the Judge of Probate for the County of *Worcester*, as Soon as may be, and the Said Judge is hereby impowered to receive the Same, the time Limited by Law being Elapsed Notwithstanding.

July 5, 1786.

Chapter 82.

Chap. 82 RESOLVE REQUESTING HIS EXCELLENCY FORTHWITH TO ISSUE HIS PROCLAMATION, FOREWARNING ALL PERSONS AGAINST PURCHASING THE CONTESTED LANDS FROM THE STATE OF NEW-YORK, AND INSTRUCTING THE DELEGATES TO REMONSTRATE AGAINST THE PROCEEDINGS OF SAID STATE.

Whereas a Federal Court is instituted, to determine the interfering claims of this State, and of the State of *New York*, to lands described in the preamble of an Act of

Congress, of the 3rd day of *June* 1784, instituting the said Court. And whereas the State of *New York* has availed itself of the delays which have taken place, in the appointment of the Judges, and made sale of large tracts of the lands aforesaid, without the consent of this Commonwealth.

Resolved, that his Excellency the Governor of this Commonwealth, be authorized and requested forthwith to issue His Proclamation, forewarning all persons against purchasing the said contested lands, or any part thereof from the State of *New York*, previously to the determination of the right of soil, and jurisdiction, by the Federal Court aforesaid, or to settle on the said lands, which have been or shall be so purchased; as such grants, in case the said lands shall be found to be within the jurisdiction of this State, will be considered null and void.

And be it further *Resolved*, that the Delegates of this Commonwealth in Congress, be instructed to remonstrate, in behalf of this Commonwealth, against the proceedings of the State of *New York*, in the sale of the said contested lands, and to lodge a copy of their remonstrance with his Excellency the Governor of that State, and have the same entered on the Journals, or files of Congress.

July 5, 1786.

Chapter 83.

RESOLVE ON THE PETITION OF *HOBART CLARKE*, ADMINISTRATOR ON THE ESTATE OF *BENJAMIN RUGGLES*. *Chap. 83*

Upon the Petition of *Hobart Clarke*, Administrator on the Estate of *Benjamin Ruggles*, deceased:

Resolved, that the Justices of the Court of Common Pleas, for the County of *Suffolk*, be, and they are hereby authorized and empowered, to proceed in taking the Acknowledgment of a deed, made to the said *Benjamin*, by one *Samuel Ruggles*, deceased, and dated the 17th *March* 1726, in manner as is prescribed by a resolve of this Court of the 24th of *February* last. *July 5, 1786.*

Chapter 84.

RESOLVE ON THE PETITION OF *SARAH BENSON*.

Chap. 84

Upon the Petition of *Sarah Benson*, wife of *Joshua Benson*:

Resolved, that the said *Sarah Benson*, be, and she

hereby is authorized and empowered to make sale of any lands she may hold in her own right, and to make and execute good and sufficient warrantee Deeds to the Purchaser or Purchasers of the same; and the said Deeds, by her duly executed, shall be deemed good and valid, to all intents and purposes, any law or usage to the contrary notwithstanding.

July 5, 1786.

Chap. 85

Chapter 85.*

[May Session, ch. 85, 1786.]

Chapter 86.

Chap. 86 RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO FILL UP ANY VACANCIES THAT MAY TAKE PLACE IN THE COMMISSIONERS, FOR HOLDING A COMMERCIAL CONVENTION OF THE UNITED STATES AT ANNAPOLIS, ON THE FIRST MONDAY OF SEPTEMBER NEXT.

Resolved, that His Excellency the Governor, by and with the advice and consent of Council, be, and he hereby is authorized and requested to fill up any vacancies, that may take place, on the part of this Commonwealth, in the Commission for holding a commercial convention of the United States, at *Annapolis*, on the first Monday of *September* next.

July 6, 1786.

Chapter 87.

Chap. 87 RESOLVE EMPOWERING THE COMMITTEE FOR SETTLING WITH THE ARMY, TO SETTLE THE HALF PAY DUE TO THE WIDOWS AND ORPHAN CHILDREN OF THE OFFICERS OF THIS STATE'S LINE, WHO DIED; AGREEABLE TO A RESOLVE OF CONGRESS OF THE 24TH OF AUGUST 1780, THE SUMS TO BE CERTIFIED TO THE GOVERNOUR.

Whereas by a Resolve of Congress, passed on the 24th of *August* 1780, it is provided, that Seven Years half pay shall be allowed to all Widows, and Orphan children of such Officers as had Died, or might thereafter Die in the Service of the United States, and paid by the Legislature of the State where such Officer belonged; the pay to commence at his Death and the amount thereof to be charged to the United States: Therefore,

Resolved, that the Committee for settling with the

* Governor's message, see end of volume.

Army, be, and they are hereby impowered and directed to settle the half Pay due to the Widows and Orphan children of the Officers of this State's line of the Continental Army, who Died in the Service of the united States, agreeably to the Resolve of Congress the 24th of *August*, 1780, as the same shall become due, which sums shall be paid by the Treasurer, in Notes, bearing date at the time the said half pay became Due, payable in three years from the Date, with Interest. And all Sums Settled and allowed for half pay as aforesaid, Shall be Certified by the said Committee to the governor, who is requested to issue warrants on the treasury for the same, to be paid as aforesaid.

July 6, 1786.

Chapter 88.

RESOLVE RESPECTING STATE EXECUTIONS, WITH DIRECTION
TO THE SECRETARY TO PUBLISH THE SAME IN SEVERAL
PAPERS. *Chap. 88*

Whereas the permitting State Executions against deficient Constables and Collectors, to be repeatedly returned unsatisfied, or satisfied in part only, and thereupon issuing alias Executions against such Constables and Collectors, without evident necessity therefor, discovers want of energy in Government, and will operate to the real injury of delinquents, and tend to discourage such as have, or may exert themselves, for the purpose of paying in due season, their respective proportions of the public taxes: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, when any Execution by him issued against any deficient Constable or Collector of public taxes, shall be returned not satisfied, or satisfied in part only, particularly to enquire into the necessity of such return, and if upon such enquiry, he shall have reason to apprehend that the Sheriff, or his Deputy, who returned the same, has been negligent in his duty, the Treasurer shall lay the matter before the Governour and Council for their examination.

And it is further *Resolved*, that in all cases, where the Treasurer, after three months from the passing this Resolve, shall issue an Execution against any deficient Constable or Collector, for any sum due on the first moiety of the Continental tax, granted in the Year 1782, or for

any tax granted before that period, no alias Execution shall issue, except by direction of the Governor and Council, against such Constable or Collector, for the same sum, or any part thereof, unless it shall appear from a return of the former Execution, made within one month from the return-day thereof, that the Sheriff could not find the body or estate of such deficient Constable or Collector within his precinct; but the Treasurer shall immediately after the expiration of the said term of one month, issue an Execution, directed to a Coroner of the County, against the estate of the Sheriff, to whom such former Execution was directed, for the whole sum due on the same Execution, who is hereby authorized and required, to levy and collect the same accordingly.

And be it further *Resolved*, that if any Sheriff shall, after the expiration of the three months aforesaid, neglect to return any Execution to him directed, and committed, against any deficient Constable or Collector of the first moiety of the Continental tax, granted in the Year 1782, or of any State tax, granted before that period, within the time limited by law for returning such Execution, the Treasurer is hereby directed and required forthwith to issue an Execution against the estate of such Sheriff, directed to a Coroner of the County, for the whole sum due on the Execution against such deficient Constable or Collector, that the same may be levied and collected according to Law.

And be it further *Resolved* that the Secretary be, and hereby is directed, to cause this Resolve to be published in the independent Chronicle, the *Massachusetts Gazette*, the newspapers printed in *Plymouth*, *Newbury Port*, *Worcester* and *Springfield*, and the *Cumberland Gazette*, three weeks successively.

July 6, 1786.

Chapter 89.

Chap. 89 RESOLVE ON THE REPRESENTATION OF COTTON TUFTS, ESQ; AUTHORIZING THE SELECTMEN AND ASSESSORS OF THE TOWN OF WEYMOUTH, TO DEMAND AND RECEIVE THE SEVERAL TAX BILLS COMMITTED TO ZACHARIAH BICKNALL.

Whereas it has been represented to this Court, that *Zachariah Bicknall*, a Collector of Taxes for the Town of *Weymouth* for the Year 1784, is rendered incapable of compleating his Collection of Taxes, by Reason of Insanity

of Mind, and it being expedient that some other Person should be appointed to compleat the said collections: Therefore,

Resolved, That the Selectmen and Assessors of the said Town of *Weymouth*, be and they are hereby authorized and empowered to demand and receive the several Tax Bills committed to the said *Zachariah*, to examine and ascertain the Ballance remaining due on each, and to appoint some suitable Person to compleat the Collection of the said Taxes, and to commit the said Bills to the Person they shall so appoint.

And the Assessors of the said Town are hereby directed to certify the Sum or Sums that remain uncollected on any of the said Bills, to the respective Treasurers, to whom they are due, together with the Name of the Person appointed to compleat the said Collections; And the Person appointed as aforesaid, shall have Power and Authority to collect such Sum or Sums as shall remain due on the said Bills, in as full and ample Manner, as the said *Zachariah* originally had, and shall be under like Obligations to pay the Sum or Sums that remain to be collected on the said Bills, to the several Treasurers to whom they are respectively due; And this Resolve shall be considered as a sufficient Warrant for the enforcing the Payment of such Taxes as may be due on the Tax Bills aforementioned.

July 6, 1786.

Chapter 90.

RESOLVE APPOINTING BENJAMIN LINCOLN, THOMAS RICE, AND RUFUS PUTNAM, ESQUIRES, COMMISSIONERS TO TREAT WITH THE *PENOBSCOT* TRIBE OF INDIANS, RESPECTING THEIR CLAIMS ON *PENOBSCOT RIVER*, AND EMPOWERING THEM TO DO AND PERFORM CERTAIN MATTERS REQUIRED BY A RESOLVE OF *MARCH 18TH, 1785*, AND DIRECTING THE SECRETARY TO NOTIFY SAID COMMISSIONERS OF THEIR APPOINTMENT, AND GIVING THEM CERTAIN INSTRUCTIONS, AND EMPOWERING THE GOVERNOR AND COUNCIL TO GIVE SAID COMMISSIONERS FURTHER INSTRUCTIONS, AND GRANTING THEM ONE HUNDRED AND FIFTY POUNDS. *Chap. 90*

Whereas several Gentlemen were appointed by a resolve of the General Court of *March* the eighteenth, 1785, to treat with the *Penobscot* Tribe of Indians, respecting their Claims to Lands on *Penobscot River*, and it does not appear that the said Gentlemen ever met the said Indians

for that Purpose, and it being expedient that some Measures be taken without Delay, for effecting the valuable Purposes intended by the said Resolve.

Therefore *Resolved*, That *Benjamin Lincoln, Thomas Rice*, and *Rufus Putnam*, Esqrs^s or any two of them, be, and they are hereby appointed Commissioners to treat with the *Penobscot* Tribe of Indians, respecting their Claims to Lands on *Penobscot River*, And the said Commissioners are hereby fully authorized and empowered to do and perform the several Matters and Things required by, and contained in the said Resolve of *March* the 18th, 1785, as fully and amply as the several Gentlemen mentioned therein were by the said Resolve empowered to do and perform, reference thereto being had. And the Secretary is hereby directed to notify the said Commissioners of their Appointment, and to request of them an immediate answer of Acceptance or Refusal, and to furnish such as shall accept, with a Copy of this and the aforesaid Resolve of *March* the 18th, 1785, with such other Papers as the said Commissioners may find necessary. And in case any one or more of the said Commissioners shall decline the Service, the Governor, with Advice of Council, is hereby authorized and empowered to appoint some other Person or Persons, to fill up the Vacancy, and to Assign some Day in *August* next, or as soon as may be, for the Meeting of the said Commissioners, in some Place on *Penobscot River*, for the aforesaid Purpose.

And the said Commissioners are hereby instructed to consider of the Expediency of opening a Road from some part of *Penobscot* to *Schooduck*, and in what Part it would be most convenient, should they conceive it expedient: And they are also directed to enquire into the State of such Plantations, in the County of *Lincoln*, as are not incorporated, and what Number of them are qualified for Incorporation; the Condition of the Settlers in the several Plantations; and where any Complaints subsist among them, what they are, so that Government may adopt some suitable Measures to give Ease and Relief to any that may have just Reason to complain. And further, the said Commissioners are instructed, to consider of the Expediency of making a Division of the said County of *Lincoln* into two or more distinct Counties.

And the Governor with the Advice of Council, is hereby authorized and empowered, to give to the said

Commissioners such further Instructions and orders relative to the proposed Treaty, and adjustment of the Settlement with the said Tribe of Indians, as may be found necessary to carry the said Resolve of *March* the 18th, 1785, into Execution, and conformably thereto.

And the said Commissioners are directed to make Report of the whole of their Doings hereon, to the Governor and Council, so that the same may be laid before the General Court at their next Sitting.

And it is further *Resolved*, That there be allowed and paid unto the said Commissioners, the Sum of *One hundred and fifty pounds*, to enable them to execute the Business of their Appointment, they to be accountable for the Expenditure of the said Money. *July 6, 1786.*

Chapter 91.

RESOLVE RELATIVE TO THE COMMITTEE APPOINTED 28TH OF OCTOBER 1783, ON THE SUBJECT OF THE EASTERN UNAPPROPRIATED LANDS, DIRECTING THE COMMISSARY GENERAL TO FURNISH A QUANTITY OF PROVISION, AND EMPOWERING THE SAID COMMITTEE TO SELL FOR SPECIE, SUCH A QUANTITY OF LAND AS WILL AMOUNT TO *SIX HUNDRED POUNDS*, TO ENABLE THEM TO EXECUTE THE ORDERS OF THE GENERAL COURT.

Chap. 91

On the Report of the Committee appointed by a Resolve of the General Court of the 28th of *Octr* 1783, on the Subject of unappropriated Lands in the County of *Lincoln*:

Resolved, that the Commissary General be, and he hereby is directed to furnish the said Committee with six Barrels of Pork, one Barrel of Beef, and Eight hundred pounds of Ship Bread to enable them to prosecute the Business of their Commission; the said Committee to be accountable to the General Court for the Expenditure of the same.

Resolved, that the Committee appointed by a resolve of the General Court, of the 28th of *October* 1783, on the subject of unappropriated lands in the County of *Lincoln*, be, and they hereby are authorized and empowered to sell for specie, such a quantity of land, as will amount to a sum not exceeding *six hundred pounds*, for the purpose of enabling them to execute the orders of the General Court, relative to the object of their appointment, they to be accountable for the expenditure thereof.

July 6, 1786.

*Chap. 92***Chapter 92.***

[May Session, ch. 92, 1786.]

*Chap. 93***Chapter 93.***

[May Session, ch. 93, 1786.]

*Chap. 94***Chapter 94.***

[May Session, ch. 94, 1786.]

Chapter 95.

- Chap. 95* RESOLVE DIRECTING THE COMMISSARY GENERAL TO PURCHASE SIX BRASS CANNON, FOR THE USE OF THIS COMMONWEALTH; AND GRANT TO, &c.

Whereas it is necessary, that the several Artillery Companies within this Commonwealth should be immediately furnished with Cannon, to compleat which Salutary Measure, a sufficient Number are not yet provided :

Resolved, That the Commissary General be, and he hereby is empowered and directed to purchase, for the use of this Commonwealth, Six brass Cannon, Each carrying a four pound shot, if to be bought at the rate of *One Shilling* for each pound that they may weigh ; and at Six Months Credit.

Resolved that there be paid out of the Treasury of this Commonwealth, to the Commissary General, for the purpose aforesaid, and in Six months after such purpose may be made, such Sum or Sums as the said Six Cannon may amount to, at the rate aforesaid.

July 7, 1786.

Chapter 96.*Chap. 96*

RESOLVE ON THE PETITION OF *JAMES McKINSTRY*.

On the petition of *James McKinstrey*, praying that certain lands may be sold to him, which belong to this Commonwealth :

Resolved, for Reasons set forth in said Petition, that the Committee appointed to sell the Estates of Conspirators and Absentees in the County of *Worcester*, be, and they are hereby empowered and directed to sell to the

* Governor's message, see end of volume.

said *James McKinsty* a Tract of Land lying in *Charlton*, in said County, containing about Seventy Acres, being that Part of a Tract of Land known by the Name of *Brown's Farm*, which was Leased to the said *James* on the Twenty Fifth Day of *October 1779*, by *Lemuel Kollock*, Esqr; in behalf of the Commonwealth, and *Elijah Dunbar*, Esqr; in behalf of himself, and of the other Tenants in Common of Said tract of Land; said *James McKinsty* paying to the Committee aforesaid such Consideration therefor as they shall Judge would be the Value of the Land at the Time of Sale, were the same in a state of nature; and the said Committee are hereby empowered to appraise the said land in the Securities of this Commonwealth or the securities of the United States, called Final Settlements, and to receive payment therefor, in such securities as the same may have been appraised in.

July 7, 1786.

Chapter 97.

RESOLVE REQUESTING THE HONOURABLE *JOHN HANCOCK*, ESQ; TO RENEW HIS APPLICATION IN ORDER TO CARRY INTO EFFECT THE RESOLVE OF *OCTOBER 28TH, 1783*, TO OBTAIN THE AMOUNT OF A CERTAIN NOTE GIVEN BY *MICHAEL HILLIGAS*, AND REPORT TO THE GENERAL COURT *Chap. 97*

Whereas a resolve was passed *October 28th, 1783*, requesting his Excellency *Jn^o Hancock* Esqr; to use his Endeavours to obtain the amount of a certain Note, (given by *Michael Hilligas*, Esqr; to said *Hancock*) by procuring an Order on *James Lovell*, Esqr; Continental receiver of Taxes of this State; and Notwithstanding his repeated applications on the Subject, nothing as yet has been Obtained: Therefore,

Resolved, that the Honble *Jn^o Hancock*, Esqr; be, and he hereby is Requested to renew his applications, in order to carry into effect the Resolve of *October 28th, 1783*, and make report of his proceedings to the General Court, at their next Sitting.

July 7, 1786.

Chapter 98.

RESOLVE DIRECTING THE SECRETARY TO MAKE ENQUIRY RELATIVE TO *JASPER MAUDUIT'S ACCOUNTS*. *Chap. 98*

Resolved, that the Secretary be, and he hereby is directed to make enquiry into the State of the accounts

of *Jasper Mauduit*, Esqr; late Agent of the Province, now State of *Massachusetts*, and lay a statement of the same before the General Court, at their next sitting.

July 7, 1786.

Chapter 99.

Chap. 99 RESOLVE INSTRUCTING THE COMMISSIONERS, APPOINTED TO REPRESENT THIS COMMONWEALTH IN THE COMMERCIAL CONVENTION TO BE HELD AT ANNAPOLIS, THE FIRST MONDAY OF SEPTEMBER NEXT.

Resolved, That the Commissioners appointed to represent this Commonwealth in the commercial Convention to be held at *Annapolis* the first Monday of *September* next, be, and they are hereby instructed to propose, and use their Endeavours for carrying into effect a general regulation throughout the United States, whereby a quarter part, or some other proportion of the amount of all produce and Manufactures, exported from the several States, shall be imported in Specie, in order to increase a Medium of Commerce, so much wanted thro'out the Union.

July 7, 1786.

Chapter 100.

Chap.100 RESOLVE AUTHORIZING THE COMMISSARY GENERAL TO MAKE SUCH REPAIRS AT CASTLE ISLAND AS ARE NECESSARY, AND GRANTING HIM *FOUR HUNDRED POUNDS*.

Resolved, That the Commissary General be, and he is hereby authorized and directed to make such Repairs at Castle Island as are necessary to secure the West Head from wasting away, by making a wooden wharf round the Same; to prevent the further ruin of the Embrasures, by new Casing the same with fresh Sods; and to repair the Platforms.

And it is further *Resolved*, That the sum of *Four hundred Pounds* be paid out of the Treasury of this Commonwealth to *Richard Devens*, Esqr; Commissary General, to Enable him to begin the Repairs aforesaid.

July 7, 1786.

Chapter 101.

REPORT ON THE GOVERNOR'S SPEECH RESPECTING THE FINANCES OF THIS COMMONWEALTH, PROPOSING TO THE CREDITORS OF GOVERNMENT A SYSTEM OF PAYMENT, AND DIRECTING THE TREASURER TO SUSPEND UNTIL THE FIRST OF *APRIL* NEXT, ISSUING HIS WARRANTS FOR APPORTIONING AND COLLECTING THE SUMS THAT ARE OR MAY BE DUE IN CONSEQUENCE OF CERTAIN SUPPLY BILLS. *Chap.101*

The Committee of both Houses, Appointed to take into consideration that part of his Excellency's Speech, which respects the finances of this Commonwealth, ask leave to Report :

That it Appears, that the General Court in Order to Obtain Loans to defray the necessary expences of the late War, Stipulated in the Supply Bills for the payment of those loans at an earlier period than is within the Abilities of the People to pay, and that those Supply Bills require the Treasurer, after the first of *July* next, to Issue his Warrants for Apportioning and Collecting a larger sum, than will at that time become due ; and that the Annual Expences of Government will considerably encrease the debt, and that in addition to the domestick debt of this State, this Commonwealth, by the Confederation, is Solemnly Bound to pay its proportion of the federal debt, which will amount to a very considerable Sum Annually ; That Attempts however have been made by Government, to comply with their promise ; in consequence of which, Taxes have issued for the redemption of the Army Notes, amounting to £240,000 ; which with the other Taxes now laying on the People, is as much as can be paid in the course of the current year. This being the embarrassed Situation of the finances of this Commonwealth, it is the Opinion of the Committee, (founded on the foregoing facts) that it is Advisable, if not Absolutely necessary, to propose to the Creditors of Government, a System of payment, by which certain proportions of the debt, to which the publick ability would probably be equal, Should be Annually paid, until the whole be extinguished, and that this System be Adopted and carried into Effect, at the next sitting of the General Court ; and that the Treasurer of this Commonwealth be directed to Suspend until the first of *April* next, Issuing his Warrants for Apportioning and Collecting the Sums that are

or may be due in consequence of the aforesaid Supply Bills; and that on every principle of Justice and good Policy, it will be Indispensibly necessary to continue the Impost and Excises which are Appropriated for the payment of the Interest of the loans of this State, and other-ways, to make ample provision for the punctual payment of the Interest of the aforesaid loans, until the whole debt Shall be discharged. Your Committee also are informed by the Treasurer, that there is £23,635=16=11 $\frac{3}{4}$ of the new Emission Money, not yet Collected; but as the General Court have passed an Order the present Session, respecting the Collecting certain Arrearages of Taxes, they conceive it will not be necessary to pass any further Order respecting that matter.

Read and accepted.

July 7, 1786.

Chapter 102.

Chap.102 RESOLVE ON THE PETITION OF *EZRA JEWELL*, TO SERVE THE ADVERSE PARTY WITH A COPY OF HIS PETITION, AND ORDER, TO SHEW CAUSE &c.

On the Petition of *Ezra Jewell*:

Resolved, That the said *Ezra Jewell* serve the adverse party with an attested copy of his Petition, and this order thereon, ten days at least before the second Wednesday of the next sitting of the Genl Court, then to appear and shew cause, if any there be, why the prayer of said petition should not be granted; and that in the mean time the execution on the Judgment refered to in the petition, be staid.

July 7, 1786.

Chapter 103.

Chap.103 REPORT ON THE GOVERNOR'S MESSAGE RESPECTING THE EXPEDIENCY OF GRANTING A TAX ON THE POLLS AND ESTATES, SUFFICIENT TO PROCURE FIFTY TONS OF SALT PETRE, AND THE INEXPEDIENCY OF CASTING CANNON.

The Committee of both Houses, who had in Charge his Excellency's Messages of the 21st of *Feby.* and the 8th of *June*, 1786, have attended the Service, and Ask leave to report as their Opinion, that it will be expedient to grant a Tax upon the Polls and Estates in this Commonwealth, Sufficient to Procure fifty Tuns of Salt Petre, to be Paid in Money or Salt Petre, on or before the first Day of *July* next.

The Committee are further of Opinion that it would not be expedient at Present for this Commonwealth to Cast cannon, as mentioned in his Excellency's Message.

Read and accepted.

July 8, 1786.

Chapter 104.

ORDER FOR THE SECRETARY TO PUBLISH IN THE RESOLVES OF THE PRESENT SESSION, THE SUM EACH TOWN, DISTRICT AND PLANTATION IS TO PAY ON THE *THOUSAND POUNDS*, APPORTIONED BY THE LAST VALUATION. Chap. 104

Ordered, that the Secretary be, and he hereby is directed to cause to be printed among the Resolves of the present Session of the General Court, the sum each Town, District and Plantation in this Commonwealth, is to pay on the *thousand pounds*, as set and apportioned by the last valuation.

Here follows the sums, &c.

County of *SUFFOLK*.

BOSTON, Sixty seven pounds three shillings and eight pence one farthing,
Roxbury, Eight pounds thirteen shillings and four pence,
Dorchester, Seven pounds three shillings and three farthings,
Milton, Three pounds, fifteen shillings and seven pence,
Weymouth, Four pounds and ten pence one farthing,
Hingham, Five pounds sixteen shillings and four pence three farthings,
Braintree, Eight pounds seventeen shillings and seven pence,
Brookline, Two pounds fifteen shillings and five pence,
Dedham, Five pounds seven shillings and five pence half penny,
Needham, Two pounds nineteen shillings and eight pence three farthings,
Medfield, Two pounds eight shillings and half penny,
Stoughton, Five pounds fifteen shillings and six pence half penny,
Wrentham, Four pounds two shillings,
Walpole, Two pounds nine shillings and six pence,
Sharon, Two pounds nine shillings and four pence one farthing,
Cohasset, Two pounds one shilling and nine pence,
Franklin, Three pounds and six pence three farthings,
Medway, Two pounds seventeen shillings and seven pence half penny,
Bellingham, One pound thirteen shillings and nine pence three farthings,
Hull, Eight shillings and eleven pence,
Chelsea, Two pounds one shilling and eleven pence half penny,
Foxborough, One pound six shillings and five pence,
Dover, One pound twelve shillings and two pence one farthing.

County of *ESSEX*.

Salem, Nineteen pounds five shillings and seven pence,
Danvers, Seven pounds three shillings and seven pence half penny,
Newbury, Ten pounds ten shillings and six pence one farthing,

Newbury Port, Fourteen pounds five shillings and one penny, three farthings,
Beverly, Eight pounds eleven shillings and two pence one farthing,
Ipswich, Eleven pounds eleven shillings and six pence one farthing,
Marblehead, Seven pounds eleven shillings and four pence three farthings,
Gloucester, Seven pounds three shillings and six pence,
Lynn, Four pounds eighteen shillings and two pence,
Lynnfield, One pound six shillings and four pence,
Andover, Nine pounds six shillings and eleven pence three farthings,
Rowley, Five pounds eight shillings and four pence one farthing,
Topsfield, Two pounds sixteen shillings and nine pence three farthings,
Haverhill, Six pounds four shillings,
Salisbury, Four pounds ten shillings and one farthing,
Almsbury, Four pounds three shillings and eleven pence,
Bozford, Three pounds seven shillings and four pence three farthings
Bradford, Three pounds nineteen shillings and seven pence,
Methuen, Three pounds seven shillings and one penny,
Wenham, One pound ten shillings and one penny three farthings,
Manchester, One pound six shillings and three pence,
Middleton, Two pounds three shillings and five pence half penny.

County of MIDDLESEX.

Cambridge, Seven pounds five shillings and one penny,
Charleston, Three pounds eight shillings,
Watertown, Three pounds five shillings and three pence,
Woburn, Four pounds eighteen shillings and one penny,
Concord, Four pounds five shillings and four pence,
Newton, Four pounds six shillings and six pence,
Reading, Four pounds fifteen shillings and three pence,
Marlborough, Five pounds two shillings and ten pence,
Billerica, Three pounds ten shillings and one penny,
Framingham, Four pounds nine shillings and two pence,
Lexington, Two pounds fourteen shillings and eleven pence,
Chelmsford, Three pounds six shillings and eleven pence,
Sherburn, Two pounds nine shillings and seven pence,
Sudbury, Three pounds seven shillings and nine pence,
Malden, Two pounds ten shillings and ten pence,
Weston, Two pounds fifteen shillings and three pence,
Medford, Three pounds seven shillings and nine pence,
Hopkinton, Two pounds nineteen shillings and five pence,
Westford, Three pounds three shillings and four pence,
Stow, Two pounds three shillings and two pence,
Groton, Four pounds eighteen shillings,
Shirley, One pound seven shillings and ten pence,
Pepperrell, Two pounds eleven shillings and three pence,
Lincoln, Two pounds two shillings and four pence,
Tewksbury, Two pounds three shillings and two pence,
Ashby, One pound five shillings and eight pence,
Carlisle, One pound ten shillings and five pence,
East Sudbury, Two pounds nine shillings and eleven pence,
Waltham, Three pounds one shilling and four pence,
Townshend, One pound eighteen shillings and eight pence,
Dracut, Two pounds nine shillings and seven pence,
Bedford, One pound nineteen shillings and seven pence,
Holiston, Two pounds thirteen shillings,

Acton, One pound nineteen shillings and ten pence,
Dunstable, Two pounds three shillings,
Wilmington, One pound thirteen shillings and six pence,
Littleton, Two pounds six shillings and six pence,
Natick, One pound twelve shillings and three pence one farthing,
Stoneham, One pound one shilling and seven pence,
Boxborough, One pound and two pence.

County of *HAMPSHIRE*.

Springfield, Four pounds and three pence one farthing,
Long Meadow, One pound fifteen shillings and three pence three farthings,
West Springfield, Five pounds eight shillings and five pence one farthing,
Wilbraham, Three pounds and eight pence,
Northampton, Four pounds eleven shillings and eleven pence half penny,
Southampton, One pound fourteen shillings and three pence one farthing,
Hadley, Two pounds twelve shillings and eight pence half penny,
South Hadley, One pound fifteen shillings and ten pence one farthing,
Amherst, Two pounds fifteen shillings and one farthing,
Granby, One pound eight shillings and three farthings,
Hatfield, Two pounds ten shillings and one penny half penny,
Whateley, One pound six shillings, and eight pence one farthing,
Williamsburg, One pound nine shillings and three farthings,
Westfield, Four pounds one shilling and five pence one farthing,
Deerfield, Three pounds nine shillings and two pence three farthings,
Greenfield, Two pounds thirteen shillings,
Shelburn, One pound sixteen shillings,
Conway, Three pounds three shillings,
Sunderland, One pound five shillings and ten pence half penny,
Montague, One pound fourteen shillings and four pence one farthing,
Northfield, Two pounds and six pence one farthing,
Brimfield, Three pounds four shillings and two pence three farthings,
South Brimfield, One pound two shillings and half penny,
Monson, One pound nineteen shillings and three pence,
Pelham, Two pounds and four pence half penny,
Greenwich, One pound eighteen shillings,
Blanford, Two pounds fifteen shillings and seven pence,
Palmer, One pound fourteen shillings and five pence,
Granville, Three pounds fourteen shillings and three pence,
New Salem, Two pounds nine shillings and two pence,
Belchertown, Two pounds thirteen shillings and four pence,
Colerain, Two pounds one shilling and six pence,
Ware, One pound five shillings and half penny,
Warwick, One pound ten shillings and one penny one farthing,
Barnardston, One pound three shillings and nine pence half penny,
Chester, One pound six shillings and two pence three farthings,
Charlemont, Seventeen shillings and five pence three farthings,
Ashfield, Two pounds,
Worthington, Two pounds two shillings and five pence,
Shutesbury, Nineteen shillings and two pence,
Chesterfield, One pound nineteen shillings and four pence three farthings,
Goshen, One pound one shilling and four pence,
Southwick, One pound nine shillings,

Norwich, Seventeen shillings and four pence half penny,
Ludlow, Nineteen shillings and six pence three farthings,
Leverett, Sixteen shillings and one penny half penny,
Westhampton, Eighteen shillings and two pence,
Montgomery, Ten shillings and eight pence half penny,
Plantation, No. 7, Eight shillings and one penny one farthing,
Cumington, One pound thirteen shillings and nine pence half penny,
Buckland, Thirteen shillings,
Middlefield, Fourteen shillings and nine pence half penny,
Wendell, Fourteen shillings and eleven pence one farthing,
Orange, Nineteen shillings and one penny one farthing,
Holland, Sixteen shillings and two pence,
Leyden, Eighteen shillings and nine pence one farthing,
Rowe, Twelve shillings and one penny,
Heath, Nine shillings and eight pence,
District East Hampton, One pound one shilling and three farthings.

County of *PLYMOUTH*.

Plymouth, Four pounds sixteen shillings and three pence one farthing,
Situate, Seven pounds six shillings and two pence three farthings,
Duxbury, Two pounds ten shillings and three pence three farthings,
Marshfield, Three pounds ten shillings and eight pence half penny,
Bridgewater, Thirteen pounds thirteen shillings and three pence half penny,
Middleborough, Ten pounds and five pence half penny,
Rochester, Four pounds fifteen shillings and eight pence half penny,
Plympton, Three pounds six shillings and three pence,
Pembroke, Four pounds four shillings and eleven pence,
Kingston, One pound nineteen shillings and seven pence,
Hanover, Two pounds six shillings and seven pence,
Abington, Three pounds seventeen shillings and three farthings,
Halifax, One pound twelve shillings and two pence half penny,
Wareham, One pound six shillings and six pence.

County of *BARNSTABLE*.

Barnstable, Four pounds twelve and eight pence half penny,
Sandwich, Three pounds thirteen shillings and five pence half penny,
Yarmouth, Three pounds seven shillings and five pence half penny,
Harwick, Two pounds twelve shillings and eleven pence one farthing,
Eastham, Two pounds and two pence half penny,
Chatham, One pound nine shillings and nine pence,
Wellfleet, One pound four shillings and three pence three farthings,
Truro, One pound four shillings,
Falmouth, Two pounds eleven shillings and one penny three farthings,
Provincetown, Seven shillings and seven pence three farthings,

County of *BRISTOL*.

Taunton, Eight pounds,
Rehoboth, Nine pounds,
Swansey, Five pounds three shillings and one penny,
Dartmouth, Fifteen pounds two shillings and seven pence half penny,
Norton, Three pounds seven shillings and nine pence,
Mansfield, Two pounds two shillings and six pence,

Attleborough, Five pounds twelve shillings and three pence,
Dighton, Three pounds four shillings,
Freetown, Three pounds eighteen shillings and ten pence,
Raynham, Two pounds seven shillings and eleven pence three farthings,
Easton, Two pounds twelve shillings and six pence,
Berkley, One pound sixteen shillings and ten pence.

County of *YORK*.

York, Six pounds four shillings,
Kittery, Six pounds nine shillings and one penny,
Wells, Five pounds ten shillings and six pence,
Berwick, Eight pounds fourteen shillings and three pence,
Arundell, Two pounds sixteen shillings,
Biddeford, Two pounds nine shillings,
Pepperelborough, Two pounds five shillings,
Lebanon, One pound ten shillings and nine pence,
Sandford, One pound ten shillings and nine pence,
Buxton, One pound nineteen shillings,
Fryeburgh, Nineteen shillings,
Coxhall, One pound,
Massabeseck, Fifteen shillings,
Limerick, Nine shillings,
Brownfield, Six shillings,
Littlefalls, Twelve shillings,
Shapleigh, One pound two shillings and one penny,
Little Ossipee, Thirteen shillings and two pence,
Washington Plantation, Seven shillings and three farthings,
Pearsonfield, One pound one shilling and half penny,
Francisborough Plantation, Seven shillings and half penny.

County of *DUKES-COUNTY*.

Edgarton, Two pounds five shillings and seven pence one farthing,
Chilmark, Two pounds nine shillings and seven pence one farthing,
Tisbury, One pound fifteen shillings and five pence,

County of *NANTUCKET*.

Sherburne, Six pounds seventeen shillings and ten pence.

County of *WORCESTER*.

Worcester, Five pounds fifteen shillings and six pence,
Lancaster, Three pounds thirteen shillings and three pence half penny,
Mendon, Three pounds eleven shillings and eight pence,
Brookfield, Seven pounds seventeen shillings and five pence half penny,
Oxford, Two pounds four shillings eleven pence one farthing,
Charlton, Three pounds fifteen shillings and five pence,
Sutton, Seven pounds two shillings nine pence one farthing,
Leicester, Two pounds nineteen shillings, and ten pence half penny,
Spencer, Three pounds eight shillings and two pence one farthing,
Rutland, Three pounds eleven shillings and nine pence,
Paxton, One pound fourteen shillings and eleven pence,
Oakham, One pound thirteen shillings,
Barre, Four pounds thirteen shillings and eight pence three farthings,

Hubbardston, One pound fourteen shillings and three pence one farthing,
New Braintree, Two pounds four shillings and seven pence half penny,
Southborough, Two pounds five shillings and two pence,
Westborough, Two pounds thirteen shillings eleven pence one farthing,
Northborough, One pound fifteen shillings and nine pence,
Shrewsbury, Five pounds fourteen shillings and nine pence,
Lunenburg, Three pounds four shillings and four pence one farthing,
Fitchburg, Two pounds four shillings and five pence three farthings,
Uxbridge, Three pounds five shillings and six pence,
Harvard, Three pounds six shillings and one penny three farthings,
Dudley, Two pounds seven shillings and ten pence,
Bolton, Two pounds eight shillings and five pence three farthings,
Upton, Two pounds and six pence,
Sturbridge, Three pounds twelve shillings and eleven pence,
Leominster, Two pounds twelve shillings and nine pence half penny,
Hardwick, Four pounds seven shillings and seven pence,
Holden, Two pounds eight shillings,
Western, Two pounds nine shillings and two pence,
Douglass, One pound nineteen shillings,
Grafton, Two pounds twelve shillings and six pence,
Petersham, Three pounds fourteen shillings and three pence,
Royalston, One pound fifteen shillings,
Westminster, Three pounds four shillings,
Templeton, Two pounds eighteen shillings and three pence,
Princeton, Two pounds eleven shillings and six pence,
Ashburnham, One pound thirteen shillings and one penny,
Winchendon, Two pounds one shilling,
Northbridge, One pound two shillings,
Ward, One pound eight shillings and one penny,
Athol, Two pounds two shillings and eight pence,
Milford, Two pounds eight shillings and five pence,
Sterling, Three pounds sixteen shillings and eight pence three farthings,
Berlin, One pound five shillings and two pence three farthings.

County of CUMBERLAND.

Falmouth, Seven pounds eleven shillings and seven pence half penny,
North Yarmouth, Five pounds two shillings,
Scarborough, Four pounds twelve shillings and one penny,
Brunswick, Two pounds two shillings and six pence,
Harpswell, One pound sixteen shillings,
Cape Elizabeth, Two pounds six shillings and six pence,
Gorham, Three pounds six shillings,
Windham, One pound thirteen shillings, and six pence,
New Gloucester, One pound nineteen shillings and half penny,
Gray, Fourteen shillings and seven pence one farthing,
Pearsonstown now Standish, Nineteen shillings and six pence,
Royalsborough, Fourteen shillings,
Raymondstown, Six shillings and six pence,
Bakerstown, Ten shillings and eight pence half penny,
Sylvester, Nine shillings and eleven pence three farthings,
Bridgetown, Eight shillings and five pence three farthings,
Shepardstown, Eight shillings and three pence,
Otisfield Plantation, Six shillings.

County of LINCOLN.

Pownallborough, Two pounds nineteen shillings and seven pence half penny,

Georgetown, Two pounds fourteen shillings and five pence,

New Castle, One pound eight shillings and eight pence one farthing,

Woolwich, One pound eleven shillings and one penny half penny,

Waldoborough, One pound eight shillings and six pence half penny,

Topsham, One pound four shillings and ten pence,

Winslow, Thirteen shillings and three pence half penny,

Bowdoinham, One pound and half penny,

Boothbay, One pound seven shillings and ten pence one farthing,

Bristol, Two pounds seven shillings and eight pence,

Vassalborough, One pound nine shillings and six pence half penny,

Edgcomb, One pound three shillings and one penny half penny,

Hollowell, One pound eleven shillings and six pence half penny,

St. George's, Seventeen shillings and five pence three farthings,

Warren, Fourteen shillings and ten pence half penny,

Thomaston, Thirteen shillings and seven pence half penny,

Bath, One pound thirteen shillings and two pence half penny,

Winthrop, One pound one shilling and nine pence half penny,

Lewiston, Eleven shillings and seven pence,

Ballston, Eleven Shillings and four pence half penny,

Walpole, Thirteen shillings and half penny,

Wales, Six shillings and five pence,

Canaan, Eleven shillings and four pence three farthings,

Pittston, Nineteen shillings and half penny,

Meduncook, Eleven shillings and eight pence three farthings,

Noridgewalk, Seven shillings and nine pence,

Sterlington, Four shillings and four pence,

Belfast, Five shillings and two pence one farthing,

Machias, One pound and two pence,

Camden, Six shillings and six pence half penny,

Hancock, Ten shillings and seven pence half penny,

Mount Desert Plantation, Fifteen shillings and three pence.

Plantation No. 1,

east side of *Penobscot River*,

No. 2, Seven shillings and half penny,

No. 3, One pound two shillings and nine pence three farthings,

No. 4, Twelve shillings and half penny,

No. 5, Ten shillings and four pence three farthings,

No. 6, Ten shillings and four pence three farthings,

Plantation No. 1,

east side of *Union River*,

No. 2, Eleven shillings and three pence three farthings,

No. 3, Eight shillings and one penny one farthing,

No. 4, Four shillings and ten pence.

No. 5, Ten shillings and one penny three farthings,

No. 6, Seven shillings and ten pence half penny,

Plantation No. 22, Four shillings and one penny,

Plantation on the west

side of *Penobscot River*,

from *Belfast* so far up

the river as to include

the Widow *Wheeler's*

mills,

} Ten shillings and seven pence,

Plantation on the west }
side of the said river, }
from the Widow } Eight shillings and ten pence three farthings,
Wheeler's mills up }
the river, }
Deer Island Plantation in Penobscot Bay, One pound two shillings
 and one penny half-penny,
Fox Island Plantation, twelve shillings and nine pence half penny,
Penobscot Long Island, Seven shillings and ten pence one farthing.

County of *BERKSHIRE*.

Sheffield, Five pounds and two pence one farthing,
Great Barrington, Three pounds and seven pence half penny,
Stockbridge, Three pounds and five pence,
Pittsfield, Four pounds fifteen shillings and four pence one farthing,
Richmond, Three pounds seven shillings and four pence half penny,
Lenox, Two pounds fourteen shillings and nine pence one farthing,
Lanesborough, Four pounds eight shillings and five pence half penny,
Williamston, Three pounds eight shillings and six pence,
Adams, Three pounds fourteen shillings and one penny half penny,
Egremont, One pound eleven shillings and nine pence,
Becket, One pound four shillings and three pence one farthing,
West Stockbridge, One pound thirteen shillings,
Dalton, Eighteen shillings and five pence half penny,
Alfred, Nineteen shillings and five pence,
New Ashford, Ten shillings and half penny,
New Marlborough, Two pounds fourteen shillings and nine pence
 three farthings,
Tyringham, Two pounds six shillings and five pence,
Loudon, Nine shillings and seven pence one farthing,
Windsor, One pound fourteen shillings and three pence half penny,
Partridgefield, One pound seven shillings and three pence one far-
 thing,
Hancock, One pound fourteen shillings and ten pence three farthings,
Lee, One pound eighteen shillings and eight pence half penny,
Washington, Eighteen shillings and one farthing,
Sandisfield, Three pounds seven shillings and ten pence half penny,
Mount Washington, Five shillings and eleven pence one farthing.

Ordered, That there be deducted from the town of *Ipswich*, and
 added to the town of *Rowley*, one shilling and six pence half
 penny,

Deducted from the town of *Conway* and added to *Goshen*, eight
 pence,

Deducted from the town of *Westminster*, seven shillings and nine
 pence one farthing,

Deducted from the town of *Templeton*, one penny half penny,

Deducted from the town of *Winchendon*, four shillings and eight
 pence half penny,

And deducted from the town of *Ashburnham*, two shillings and
 four pence half penny,

Placed from the town of *Gardner*, fourteen shillings and eleven
 pence three farthings,

Deducted from the town of *Framingham* and added to *South-
 borough*, one shilling and three pence,

Deducted from the town of *Shrewsbury*, two pounds thirteen shil-
 lings and nine pence three farthings,

And placed to the town of *Boylston*, two pounds thirteen shillings
 and nine pence three farthings.

July 8, 1786.

Chapter 105.

RESOLVE APPOINTING *CALEB STRONG*, AND *DAVID SMEAD*, *Chap.105*
ESQ'RS. A COMMITTEE TO SELL LAND.

Whereas it is Represented to this Court, that there is a Gore or Piece of Land laying in the County of *Hampshire*, adjoining on the Town of *Ashfield*, and *Plantation No. 7*, Containing about Five hundred Acres, which is the Property of this Commonwealth:

Resolved, that *Caleb Strong* and *David Smead*, Esq'rs. be, and they are hereby appointed a Committee To make Sale of said Land either at publick or private Sale, as they shall judge Most for the Interest of Government, and Receive in pay therefor, Either Continental Securities, or the securities of this Commonwealth, and pay the Same into the Treasury, and take duplicate Receipts therefor, one of which to be Lodged in the Secretary's office. And the said *Caleb Strong* and *David Smead*, are hereby empowered to make and execute a good and sufficient deed or deeds of the land afores^d in behalf of this Commonwealth, to the purchaser or purchasers of the same: Report of their doings herein to be made to the General Court, at their next Session. *July 8, 1786.*

Chapter 106.

RESOLVE ON THE PETITION OF *SETH WASHBURN*, AND *ABNER HOLDEN*, ESQ'RS, GRANT TO, OF EIGHT POUNDS SIXTEEN *Chap.106*
SHILLINGS.

On the petition of *Seth Washburn* and *Abner Holden*, Esq'rs, praying allowance of their account of time and Expences in Surveying and Selling land belonging to this Commonwealth:

Resolved, that there be allowed and Paid, out of the Publick Treasury of this Commonwealth, to *Seth Washburn* and *Abner Holden*, Esq'rs, the Sum of *Eight pounds Sixteen Shillings*, in full Discharge of their account.

July 8, 1786.

Chapter 107.

RESOLVE REMITTING A FINE OF FORTY FIVE POUNDS TO THE *Chap.107*
TOWN OF MARLBOROUGH.

On the Petition of the Select men of the Town of *Marlborough*, Praying that the fine of *forty five pounds*, imposed

on the town of *Marlborough* by the house of Representatives, for not chusing a Representative the Last Year, may be Remitted to Said Town for Reasons set forth in Said petition ;

Resolved that the sum of *forty five pounds*, in full of the fine Laid on Said Town of *Marlborough*, be, and hereby is Remitted to Said town, and the Treasurer of this Commonwealth is Hereby Directed to Govern himself accordingly.

July 8, 1786.

Chapter 108.

Chap.108

RESOLVE ON THE PETITION OF REUBEN COLBURN.

On the petition of *Reuben Colburn*, praying for reasons set forth in said petition, that execution be staid against the Town of *Pitston* :

Resolved, That the Treasurer be and he hereby is directed, not to issue execution against the said Town of *Pitston*, for taxes due from said Town to Government, till the expiration of three months from the passing of this resolve ; any resolve to the contrary notwithstanding.

July 8, 1786.

Chapter 109.

Chap.109

RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO ADJUST AND SETTLE THE ACCOUNTS OF THE HON. JOHN LOWELL, AS ONE OF THE DELEGATES OF THIS COMMONWEALTH, AND THE SUM DUE TO BE PAID OUT OF THE TREASURY.

Resolved, That the Committee for Methodizing and Liquidating Public Accounts be, and they are hereby authorized and impowered to Adjust and Settle the accounts of the Hon^r *John Lowell*, Esquire as one of the late Delegates of this Commonwealth in Congress, agreeably to the principles that the accounts of the other Delegates were Settled upon.

And it is further *Resolved*, That the Sum that may be Due to the said *Lowell*, be paid out of the Treasury of the Commonwealth.

July 8, 1786.

Chapter 110.

RESOLVE DIRECTING THE SECRETARY TO NOTIFY THE COMMISSIONERS TO SETTLE THE EASTERN BOUNDARY LINE BETWEEN THIS STATE AND *NEW YORK*, OF POSTPONING THE TIME OF MEETING TO THE 1ST OF *OCTOBER* NEXT; AND REQUESTING THE GOVERNOUR WITH ADVICE OF COUNCIL, IN THE RECESS, TO TAKE ORDER RELATIVE TO THE BUSINESS. Chap.110

Whereas it appears to this Court, that it is impracticable for the Commissioners appointed to settle the Eastern boundary line between this Commonwealth and the State of *New York*, to execute this business at the time heretofore agreed on :

Resolved, that the Secretary be, and he is hereby directed, without loss of time, to give notice to the Commissioners appointed on behalf of this State, to meet Commissioners Appointed by the State of *New York*, that their attendance on said Business at the time Appointed is not necessary, as said Meeting is postponed to the first of *October* next.

And it is further *Resolved*, that his Excellency the Governor be, and he hereby is requested, with advice of Council in the recess of the General Court, to take such Order relative to the said Business, as shall appear to be necessary; and to authorize Doctor *Ewing*, and Mr. *Rittenhouse*, to run the said line in case Col. *Hutchins* cannot attend that business. July 8, 1786.

Chapter 111.

RESOLVE ON THE PETITION OF *ABNER HOLDEN*, EMPOWERING THE SELECTMEN OF THE TOWN OF *WESTMINSTER* TO CHOOSE A COLLECTOR. Chap.111

On the Petition of *Abner Holden*, praying that the Town of *Westminster* may have liberty to choose a Constable or Collector for said Town, to compleat the collection committed to *Nathan Wetherbee*, who is now confined by sickness :

Resolved that the prayer thereof be granted, and that the Selectmen of the Town of *Westminster* be, and they hereby are impowered and directed, as soon as may be, to call a meeting of the inhabitants of said Town qualified according to Law, to vote for Town Officers, for the purpose of choosing a Constable or Collector, who, when

chosen and sworn, shall collect the Taxes which were committed to the said *Nathan Wetherbee*, the Collector of said Town for the year 1783, and which remain uncollected; and to proceed in the same manner in collecting the said taxes, and paying the same to the Treasurers, who have demands on the said *Nathan Wetherbee* for taxes, for the year 1783, as he the said *Nathan* might do, was he now able to officiate in the Office of Constable or Collector, any Law to the contrary notwithstanding.

July 8, 1786.

Chapter 112.

Chap.112 RESOLVE GRANTING ONE HUNDRED AND TWENTY EIGHT POUNDS ELEVEN SHILLINGS AND TWO PENCE TO RICHARD HARRIS AND BURRIL DEVEREUX, FOR CLOATHING SUPPLIED CONTINENTAL ARMY.

On the Petition of *Richard Harris*, and *Burril Devereux*, praying for payment for shirts, shoes and blankets, supplied the Continental army in the year 1780 :

Resolved, That the prayer of the petition be granted, and that there be allowed and paid out of the Treasury of this Commonwealth to the said *Harris* and *Devereux* the sum of *one hundred and twenty eight pounds eleven shillings and two pence*, in orders on the Collectors of *Marblehead*, and that the same be charged to the united States.

July 8, 1786.

Chapter 113.

Chap.113 RESOLVE ON THE PETITION OF JOHN HUNT, TO SERVE THE ADVERSE PARTY WITH A COPY OF HIS PETITION, AND THE ORDER, TO SHEW CAUSE, &c.

On the petition of *John Hunt*, praying a Judgment obtained against him by *Jerathmeel Bowers*, may be set aside, for reasons set forth in his petition :

Resolved that the said *John Hunt* serve the adverse Party with an attested copy of his Petition, and this order thereon, ten days at the least before the second Wednesday of the next sitting of the Genl Court, *then* to appear and shew cause, if any there be, why the Prayer of said Petition should not be granted; and in the mean time that execution on said Judgment be staid.

July 8, 1786.

Chapter 114.

RESOLVE GRANTING *THREE HUNDRED AND NINETY SIX POUNDS EIGHT SHILLINGS*, IN SECURITIES, TO *STEPHEN RICE* AND OTHERS, FOR ORDINANCE STORES. Chap.114

On the petition of *Stephen Rice* and others, requesting that they may be paid for Ordinance Stores furnished the Publick, conformably to a Contract made by the Board of War, *January 1777* :

Resolved, That there be paid in consolidated securities, out of the treasury of this Commonwealth, unto *Stephen Rice* and company, the sum of *three hundred and ninety-six pounds eight shillings*, to discharge their Account, as certified *July third, 1786*, by Mess'rs *Thomas Ivers*, and *Peter Roe Dalton*, a Committee on the accounts of the Board of War.

July 8, 1786.

Chapter 115.

RESOLVE ALLOWING THE ACCOUNTS OF THE CLERKS IN THE TREASURER'S OFFICE. Chap.115

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *Edward Parker*, the sum of *Twenty seven Pounds eighteen shillings*; to *Onesiphorous Tilestone*, the Sum of *Twenty eight Pounds four shillings*, being in full for their Services as Clerks in the Treasurer's Office, to the 30th of *June* last : And the Sum of *Twenty four Pounds* to *Joseph Laughton*, being in full for his Services in said Office to the 5th of *July* instant, also the sum of *Forty three Pounds* to *Samuel Foster*, in full for his Services in the said Office to the 7th of *July* instant.

July 8, 1786.

Chapter 116.

RESOLVE APPOINTING *ABNER HOLDEN*, ESQ; TO SELL PUBLIC LAND. Chap.116

Whereas it is represented to this Court, that there is a Gore or Tract of Land lying in the County of *Worcester*, Bounded North on the Line of *Fitchburg*, Easterly on Lands of *James Allen* and *Timothy Stearns*, and on the Meadow Lots, &c. Containing two hundred and eighteen Acres and one hundred and thirty Rods, which is the Property of this Commonwealth :

Resolved, that *Samuel Baker*, and *Abner Holden*, Esq's, be, and they are hereby appointed a Committee to make Sale of said Land, either at publick or private Sale, as they shall judge most for the Interest of Government, and receive in payment therefor either Continental Securities, or the Securities of this Commonwealth, and pay the Same into the Treasury, and take duplicate Receipts therefor, one of which to be lodged in the Secretary's Office; And the said *Samuel Baker* and *Abner Holden*, are hereby empowered to make and execute a good and sufficient Deed or Deeds of the Land aforesaid, in Behalf of this Commonwealth, to the Purchaser or Purchasers of the same. Report of their doings herein to be made to the General Court, at their next Session. *July 8, 1786.*

Chapter 117.

Chap.117 RESOLVE ON THE PETITION OF *JACOB LOW*, AND *JOHN TRULL*.

On the petition of *Jacob Low*, and *John Trull*, Setting forth the loss they Sustained by a mistake of the Justice of the Peace, to whom they made complaint of *David Trull*, for the Crime of Theft:

Resolved, That the Sum of *twelve pounds*, recovered in the Court of Common Pleas in the County of *Middlesex*, against the Sureties of the said *David Trull*, for non-appearance, agreeable to their Recognizance, to Answer for said Crime, be paid by the Officer who has the Execution against the said Sureties, unto the said *Jacob Low*, and *John Trull*, as a full compensation for their loss and damage, as set forth in said Petition. Any Act or Resolve to the Contrary notwithstanding. *July 8, 1786.*

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *SAMUEL FISK*.

Upon the petition of *Samuel Fisk*, setting forth, that a Judgment was unduly obtained against him as Administrator upon the estate of *Bradyll Smith* of *Weston*, in the County of *Middlesex*, deceased, at a Court of Common Pleas holden at *Groton* in the County of *Middlesex*, on the third Tuesday of *May* last past, by *Simeon Smith*, and praying that a new trial may be granted him:

Resolved, that the prayer of said petitioner be granted,

and that the said judgment, and any Execution or Executions thereupon issued, and any levy made by virtue thereof, are declared null and void, and that the Clerk of the Court of Common Pleas be, and he hereby is directed to bring the same action forward upon the docket of the said Court, and that the parties to the said action have day thereon at the next Court of Common Pleas to be holden at *Concord*, within and for the said County of Middlesex, on the second Tuesday of *September* next, and shall then and there be intitled to all pleas and benefits of a trial, in the same manner as if the Judgment aforesaid had not been given. Provided that the said *Fisk* serve the said *Smith* with an attested copy of this Resolve fourteen days before the sitting of the same Court.

July 8, 1786.

Chapter 119.

RESOLVE ON THE PETITION OF *WILLIAM JACKSON*.

Chap.119

Upon the Petition of *William Jackson* :

Resolved, that all Persons in the Improvement of a Dwelling House, situate in Cornhill, in the Town of *Boston*, by order of the Legislature, be and they are hereby directed, to deliver peaceable possession of the same, to the said *William Jackson*.

July 8, 1786.

Chapter 120.

RESOLVE DESIRING THE GOVERNOUR TO ENQUIRE INTO THE CONDUCT OF *CALEB HYDE*, ESQ. *Chap.120*

Resolved, That his Excellency the Governour be Requested to Enquire into the Conduct of *Caleb Hyde*, Esq; Sheriff of the County of *Berkshire*, Relating to the Executions that have been committed to Him by the Treasurer of this Commonwealth, And with the Advice of Council take such measures concerning him, as may be consistent with the Constitution.

July 8, 1786.

Chapter 121.

RESOLVE AUTHORIZING THE GOVERNOUR TO COMMISSION OFFICERS TO EVERY CADET COMPANY WITHIN THIS COMMONWEALTH. *Chap.121*

Resolved, That the Governour be, and he is hereby authorized and empowered to Commission one Captain, one Captain Lieutenant, one first Lieutenant, one second

Lieutenant, and one Ensign, to every Cadet Company, which shall be raised within this Commonwealth.

July 8, 1786.

Chapter 122.

Chap.122 RESOLVE DISCONTINUING THE BOUNTY OF FOUR PER CENT. ON CONSOLIDATED NOTES, &c.

Resolved, That the Bounty of Four per Cent. heretofore allowed in consolidating Government Securities, be, and it is hereby discontinued; And the Treasurer is hereby directed to govern himself accordingly, in the future consolidation of Government Securities; which Business the said Treasurer is directed to continue for the Space of one year longer.

July 8, 1786.

Chapter 123.

Chap.123 RESOLVE DIRECTING THE COMMISSARY OF PENSIONERS TO MAKE RETURN INTO THE SECRETARY'S OFFICE OF THE NAMES OF SUCH PERSONS BORNE ON THE PENSION LIST FIT TO DO GARRISON DUTY, AND THE GOVERNOUR WITH ADVICE OF COUNCIL TO ORDER SUCH A NUMBER OF PENSIONERS FROM TIME TO TIME, AS ARE NECESSARY TO AUGMENT THE GARRISON.

Whereas it is found, that the increase of Convicts at Castle Island, Renders an Augmentation of that Garrison necessary :

Resolved that the Commissary of Pensioners be, and he hereby is directed to lodge in the Secretary's Office, a list of the names of such persons, borne on the Pension list, as in his Opinion are able to do Garrison Duty. And that the Governour, by and with the Advice and consent of Council, is hereby impowered and requested to Order so many of the said Pensioners to Castle Island, (not exceeding fifty) as he from time to time may judge necessary, in Order that the Garrison aforesaid may be Immediately reinforced from that Corps; and the Commissary is hereby directed to govern himself accordingly.

July 8, 1786.

Chapter 124.

Chap.124 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WINDSOR, CONFIRMING THE PROCEEDINGS OF THE SAID TOWN AT THEIR SEVERAL MEETINGS WARNED SINCE OCTOBER 1778.

On the Petition of the Selectmen of the Town of Windsor, setting forth, that since October A. D. 1778, it has

been the usual practice in the said Town, to warn the meetings thereof, by Notifications, posted up by the Selectmen of the said Town, in some public place within the same, and that warnings of the said Town-meetings, in manner aforesaid, have not been certified by a Constable, or any other person appointed for that purpose, by reason whereof, doubts have arisen respecting the legality of the proceedings at the said Meetings: Therefore,

Resolved, that the proceedings of the said Town, at their several meetings, warned as aforesaid, since the Month of *October* A. D. 1778, with the doings of the several Officers, chosen at such Meetings, be, and the same are hereby confirmed, and shall be considered as valid and effectual in Law, to all intents and purposes, as the same would have been, if the said meetings had been notified by a Constable of the said Town in pursuance of a Warrant from the Selectmen thereof, and a certificate of such Notification had been made by such Constable: and this Resolve may be given in evidence under any General Issue, in any action or actions, which may hereafter be commenced against any person or persons, for any thing done, pursuant to any vote or votes, at the said meetings.

July 8, 1786.

Chapter 124A.

RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE BOARD OF TREASURY, TO SUPPLY THE LOAN-OFFICER WITH INDENTS. Ch. 124A

Whereas it appears to this Court, that the Continental Loan Officer in this Commonwealth, has not been supplied with a sufficient sum in Indents for Interest, due on Loan Office Certificates, and on liquidated Debts of the United States, and the time prefixed for receiving such Indents in discharge of the Tax granted in *March* last, expires the first day of *January* next:

Therefore, *Ordered*, that his Excellency the Governor be, and he is hereby requested, as soon as may be, to write to the Board of Treasury, informing them, that the Continental Loan Officer has not been supplied with a sufficient quantity of Indents receivable in the Tax Granted in *March* last, and requesting them to forward a supply without delay.

July 8, 1786.

Chapter 125.

Chap.125 ORDER REQUESTING THE GOVERNOR TO WRITE TO THE DELEGATES RESPECTING A MINT.

Ordered, That his Excellency the Governor be, & he hereby is requested, to write to the Delegates of this Commonwealth in Congress, informing them, that it is the earnest Wish of the Legislature of this Commonwealth, to obtain a quantity of copper and silver Coin, to be struck off for the use of this Commonwealth, and desiring them to acquaint him with the situation of the mint proposed for the service of the United States ; — when it may probably be ready for striking off coin ; and what the Expence of coining copper or silver will be, and of any other circumstance relative thereto, which his Excellency may think proper.

July 8, 1786.

Chapter 126.

Chap.126 RESOLVE ON THE PETITION OF *JAMES LYON*, DIRECTING THE COMMISSARY GENERAL TO GIVE A CERTIFICATE, OF THE SUM OF *FORTY FIVE POUNDS THIRTEEN SHILLINGS AND FOUR PENCE*, DUE FOR RATIONS, AND DIRECTING THE COMMITTEE ON THE SUBJECT OF UNAPPROPRIATED LANDS TO RECEIVE SAID CERTIFICATE.

Whereas a Resolve passed the General Court, on the 15th of *November*, 1780, in the words following : “ *Resolved*, that the Reverend *James Lyon*, be entitled to receive two Rations per day out of the public Stores, in consideration of his officiating as Chaplain to the Troops at *Machias*, until the further order of the General Court.” And whereas there appears to be due to the Rev^d. *James Lyon*, *forty five pounds thirteen shillings and four pence* for Rations from *July 31, 1781*, to *January 31, 1783* : Therefore,

Resolved, that the Commissary General be, and he is hereby directed to give to the said *Lyon*, a Certificate of the said Sum of *forty five pounds thirteen shillings and four pence*, being due to him, upon his signing a Receipt to the said Commissary for the like sum, in full for Rations from *July 31st, 1781*, to *January 31st, 1783*, being five hundred and forty eight days, at two Rations per day, making one thousand and ninety six Rations, the same to be charged to the United States.

And Be it further *Resolved*, that the Committee appointed by the Resolve of *Octo:* 28th, 1783, on the subject of unappropriated Lands in the County of *Lincoln*, are hereby directed to receive the said Certificate in payment of such lands as they may sell to the said *Lyon*.

July 8, 1786.

Chapter 127.

ORDER ON THE GOVERNOR'S MESSAGE RELATIVE TO A DARING
INSULT COMMITTED BY THE CIVIL AND CUSTOM-HOUSE OFFI-
CERS OF THE *BRITISH* PROVINCE OF *NEW-BRUNSWICK*, IN
SEIZING TWO VESSELS WITHIN THE ACKNOWLEDGED JURIS-
DICTION OF THIS COMMONWEALTH. *Chap.127*

Ordered, That the Governor be, and he is hereby requested, to obtain an authenticated State of Facts, and as soon as may be transmit to Congress an Account of the Proceedings of the civil and naval officers referred to in his Message of the seventh Inst., with such Information relative thereto, as He may, with the Advice of Council, judge necessary, and to take such further Measures for supporting our territorial Claims on the River *St. Croix*, securing the Rights and Privileges of the Citizens of this Commonwealth, who may be settled on any of the said Lands within its Jurisdiction, as well as for maintaining the Dignity of the Commonwealth, and that of the United States, as He, with the Advice of Council, may think necessary and proper.

July 8, 1786.

Chapter 128.

RESOLVE DIRECTING THE COMMITTEE ON UNAPPROPRIATED
LANDS IN *LINCOLN* COUNTY, TO PROVIDE A MINISTER FOR
THE PLANTATIONS IN SAID COUNTY, &c. *Chap.128*

Whereas Religion and Morality have a direct Tendency to promote the Interest and Happiness, not only of Individuals, but of Society in General; And it being the Unhappiness of many of the Infant Plantations in the County of *Lincoln*, to be destitute of public religious Instruction, and not under circumstances to make necessary Provision for the Support thereof; and it being of the highest consequence, that the earliest Foundation be laid in those Infant Settlements for acquiring the Knowledge of, and of being led to the Practice of Religion and

Morality, this Court, from a due Sense of their Importance, and from a parental Regard to those Settlements, have resolved, and do hereby

Resolve, That the Committee on the Subject of Unappropriated Lands in the County of *Lincoln*, be, and they are hereby directed, as soon as may be, to provide a discreet and suitable Preacher of Religion and Morality, for the Term of Six Months, and instruct him to repair to those Infant Plantations in the said County of *Lincoln*, and for such a Time to furnish each during the said Term of Six Months, with religious Instruction, as they may judge most conducive to answer the beneficial Purposes intended by this Resolve: And that so much of the Taxes on the said Plantations, as by the late Tax of the General Court are laid on them, be appropriated for defraying the Expence of the said mission, the same to be adjusted at the next sitting of the General Court.

July 8, 1786.

Chapter 129.

Chap.129 GRANTS TO THE SECRETARY, TREASURER, AND COMMISSARY GENERAL.

The Committee of both Houses, appointed to consider what allowances are proper to be made to the Secretary, Treasurer, and Commissary General, for their respective services the current year, commencing the first of *June* current, and ending the first of *June*, 1787, have attended the service, and beg leave to report the following sums.

For the Secretary, *Two hundred and seventy five pounds* including fees of Office,

Treasurer, *Three hundred and seventy pounds,*

Commissary, *One hundred and fifty pounds.*

WILLIAM PHILLIPS, per Order.

Read and accepted.

July 6, 1786.

Chapter 130.

Chap.130 RESOLVE ON THE PETITION OF THE NON-RESIDENT PROPRIETORS OF SIX TOWNSHIPS; ON THE PETITION OF *ENOCH BARTLETT* AND OTHERS, DECLARING A RESOLVE PASSED *MARCH 17TH*, 1785, NULL AND VOID, AND CONFIRMING No. 1, 2, 4, 5, 6, TOWNSHIPS, CONDITIONALLY GRANTED TO *DAVID MARSH* AND OTHERS, *MARCH 2D*, 1762, ON CERTAIN CONDITIONS.

The Committee of both Houses, on the petition of the non-resident proprietors of the following Townships, con-

ditionally granted *March* 2d, 1762, to *David Marsh* and others, *viz.* No. 1, 2, 4, 5, and 6, and the resident proprietors and settlers of some of the said Townships, *viz.* No. 1, 4, 5, and 6, representing that a compliance with the Resolve of *March* 17th, 1785, on the Petition of *Enoch Bartlett* and others, will be attended with great embarrassments, difficulties and hardships to them respectively, have heard the parties and maturely considered their Petitions.

Your Committee taking into view the State and condition of those settlements, the peculiar situation of the several parties, and of some circumstances which were not probably known at the time of passing the said Resolve, conceive it extremely difficult, if not altogether impracticable, to settle the said Townships conformably to the said Resolve, without great injury, inconvenience and discontent; and inasmuch as neither of the parties have complied with, or fulfilled the terms and conditions expressed in the said Resolve:

Your Committee apprehend that the said Townships are not in any-wise confirmed unto the said *David Marsh* and others, and that it is expedient, that the said Resolve of *March* 17th, 1785, should be considered as null and void; and that a confirmation of the said Townships be made on the terms and conditions contained in the following Resolves, all which is submitted.

ISRAEL NICHOLS, per Order.

Commonwealth of *Massachusetts*.

Whereas a Resolve on the petition of *Enoch Bartlett* and others, confirming a Grant of five Townships lying between *Penobscot River* and *Union River*, on certain conditions, passed *March* 17th, 1785; and it appearing from the proprietors of, and settlers on the said Townships, that the said Resolve has been ineffectual for the purposes for which it was intended, and inasmuch as the said conditions have not been fulfilled: Therefore,

Resolved, that the aforesaid Resolve of *March*, 17th, 1785, be, and it is hereby declared null and void.

Resolved, That the Townships No. 1, 2, 4, 5, and 6, conditionally granted to *David Marsh* and others, *March* 2d, 1762, be, and they are hereby confirmed on the conditions contained in the following articles.

1st, That the Proprietors heretofore known as Proprietors of the said Townships, or as holding under *David Marsh* and others, do allot and meet out one Hundred acres of Land unto each Settler in any of the Said Townships, who before the First Day of *January* one Thousand Seven Hundred and Eighty Four. Settled thereon and made a Seperate Improvement; the same to be laid out in one Lot in such manner as to include his Improvements.

2d, that in like manner there be allotted and meeted out unto each Proprietor, His Heirs or Assigns, Who before the First day of *January*, 1784, Settled thereon and made a Seperate Improvement one Hundred acres of Land as a Settler and one hundred acres more in addition thereto, the same to be laid out in such manner as to include his Improvements.

3d, that in each Township there be allotted, reserved and appropriated Four Lots of Land of three Hundred acres each, in Situation and Quality equal in general to the Lots in the Division, for the following Purposes, *viz.* one Lot for the First Settled Minister, His Heirs and Assigns, one for the use of the Ministry, one to and for the futer appropriation of Governments, and one for the use of a Schoole, forever.

4thly. that in each Township, after the allotments to the Settlers, Resident Proprietors, and for Public uses, are made as aforementioned, the Residue and remainder of the said Lands shall be divided to and amongst the Proprietors heretofore known as the Proprietors of such Townships, or as holding under *David Marsh* and others, to whom the said Townships were conditionally granted, their Heirs or Assigns, in Proportion to the respective Shares or Rights held in the original Division of such Town.

5thly. that each Settler mentioned in article 1st., pay within Six months to the Treasurer of the Propriety of the Township to which he belongs, *Twenty Four shillings*, to be appropriated to defray the Expence of Surveying and dividing the said Township, and laying out, clearing and repairing of Roads.

6thly. that the division and allotments in each of the said Townships, be made conformable to the foregoing articles, within the space of Eight Months from the passing of this Resolve, and a return thereof be made on or before the expiration of the said Term of time, to the

Committee on the Subject of unappropriated Lands in the County of *Lincoln*, Specifying and describing therein the Lots, Number of each, names of the Persons to whom allotted, and those for Public uses, under their particular Heads.

7thly. If no Return be made to the Said Committee as required in the Preceding article, the Said Committee shall appoint, and they are hereby accordingly Impowered to appoint, Three disinterested Persons as Commissioners to repair to such Townships as shall have neglected to make the Division and Return required, and allot and divide the same conformably to the articles 1, 2 & 3, and make return thereof to the said Committee conformable to article the 6th; and the said Commissioners Shall, Six Weeks at least before they proceed on the Said Business, give Public notice in *Adams* and *Nurse's* Independent Chronicle, the *Falmouth* news paper, and by a written Notification posted up in Sum convenient Place in each of the delinquent Townships, of their appointment and of the time when they shall proceed on the said Business, that all Persons interested therein may be apprised thereof; and the Lots the said Commissioners Shall lay out to the Resident Proprietors and Settlers as provided for in article the 1st and 2^d, shall be confirmed unto them, and the remaining Lots shall be Subject to the Order and Disposal of the General Court. and the Expence arising from the Said appointment of Commissioners, Shall be defrayed by the resident Proprietors and Settlers of the delinquent Townships, provided they have prevented or obstructed the Division as provided for in article 2d, 3d & 4th, otherwise so much of the remainder of the Lands (after allotments and Divisions made to the resident Proprietors, Settlers, and for public uses as aforesaid) Shall be Sold by the said Committee, as shall be sufficient to defray the said expence.

8thly. that notwithstanding the Conditions and Regulations contained in the foregoing articles, if the Proprietors and Settlers of any of the said Townships Shall agree among themselves, and settle all matters in Dispute relating to the Quantities of Land respectively to be held and retained by them, and such other matters and things as immediately respect the Settlement of the said Lands, and make a Report of the same to the said committee, within Six months from the passing of this resolve, with

the names of the Settlers and Proprietors, Resident and non resident, the Quantity of Land allotted to each, and the Rights reserved for Public uses conformably to article 3d, and paying £500. to Government, agreeably to article first. in Such Case the said Committee Shall have full authority to confirm such Townships.

But in case no Report shall be made as aforesaid to the said Committee, nor Return as in the 6th article is required, the said committee shall appoint Commissioners as provided for in the said 7th article, Eight months having been expired as therein mentioned, who shall proceed on their Business as pointed out in the said last mentioned article.

9thly. It shall be understood, notwithstanding any thing contained in the foregoing articles, that the final confirmation of any of the said Townships shall not be made until there be in each of the said Townships Sixty Dwelling Houses, not less than Eighteen Feet Square and Seven Feet stud, sixty Protestant Families, and also Five acres of Land cleared on each share fit for mowing and Tillage, also a Meeting House for the Public Worship of God, and until each of the said Townships shall have settled a learned and Protestant Minister, for which Purpose Five years shall be allowed from passing of this resolve.

July 8, 1786.

Chapter 131.

Chap.131 ORDER DIRECTING THE SECRETARY TO PUBLISH ADDITIONAL
EXCISE LAWS.

Ordered, that the Secretary, be, and he is hereby directed to cause the act reviving and continuing the act laying duties of impost and excise, to be immediately published in *Adams* and *Nours's*, the *Springfield*, *Plimouth*, *Worcester*, *Newburyport* and *Falmouth* news papers, three weeks successively.

July 8, 1786.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

TOGETHER WITH THE SPEECH AND MESSAGES OF HIS EX-
CELLENCY THE GOVERNOUR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE 31ST DAY OF *MAY*, ANNO DOMINI,
1786; AND FROM THENCE CONTINUED BY PROROGATION, TO
WEDNESDAY THE TWENTY SEVENTH DAY OF *SEPTEMBER*
FOLLOWING.

Chapter 1.*

Chap. 1

[September Session, ch. 1, 1786.]

Chapter 2.†

Chap. 2

[September Session, ch. 2, 1786.]

Chapter 3.

RESOLVE ON THE PETITION OF *BENJAMIN CARTER*, JUN. EM-
POWERING CAPT. *JOHN PRENTICE*, TO MAKE AND EXECUTE
A GOOD AND LAWFUL DEED OF THE LAND MENTIONED. *Chap.* 3

On the petition of *Benjamin Carter*, junior. Setting
Forth, that he purchased in the Month of *January*, *A. D.*
1783, of his late Brother, *Timothy Carter*, late of *Ward*,
Deceast, a Certain Piece of Land, and paid the full Sum
for the Same, agreeably to Contract, but never had a
Deed of the Same, in the life time of the Said *Timothy*;
And praying that Capt. *John Prentice*, Administrator

* Governor's speech, see end of volume.

† Governor's message, see end of volume.

Debonis Non, of the Estate of the Deceased, may be empowered to give him a Deed of the Land mentioned in the petition: Therefore

Resolved, that the Said Capt. *John Prentice* be, and hereby is empowered to make and Execute, a good and lawful Deed of the land mentioned, and Described in the petition, to the Said *Benjamin Carter, jun^r*. agreeably to the prayer thereof.

September 29, 1786.

Chap. 4

Chapter 4.*

[September Session, ch. 4, 1786.]

Chap. 5

Chapter 5.*

[September Session, ch. 5, 1786.]

Chapter 6.

- Chap. 6 RESOLVE ON THE PETITION OF *MICHAEL FARLEY*, ESQ; INTITLING HIM TO A NEW TRIAL ON THE ACTION MENTIONED, AND AUTHORIZING HIM TO SUE OUT OF THE CLERK'S OFFICE OF THE SUPREME JUDICIAL COURT, A WRIT OF REVIEW, FOURTEEN DAYS BEFORE THE LAST TUESDAY IN *OCTOBER* NEXT, RETURNABLE AT THE SUPREME COURT, TO BE HOLDEN AT *CAMBRIDGE*, WITHIN THE COUNTY OF *MIDDLESEX*.

On the petition of *Michael Farley*, Esq.

Whereas the General Court, on the Eighth day of *July* last, passed a Resolve empowering the said *Michael Farley*, Sheriff of the County of *Essex*, to review an action, wherein *Joseph Barrell* had recovered a Judgment against him, at the Supreme Judicial Court, holden at *Boston*, in *February*, 1785, and to bring the same review at the Supreme Judicial Court, next to be holden at *Cambridge*, within and for the County of *Middlesex*, on the fourth Tuesday in *October* next; and whereas it appears that there is no such Court to be holden on said Day; and that something further ought to be done, to give the said *Farley* the benefit intended by the same Resolve: Therefore

Resolved, that the said *Michael Farley* be, and he hereby is intitled, to a New trial on the action aforesaid, and is fully authorized to sue out of the Clerk's office,

* Governor's message, see end of volume.

of the Supreme Judicial Court, a writ of review in the action aforesaid, fourteen days before the Last Tuesday in *October* next, returnable at the Supreme Judicial Court, then to be holden at *Cambridge*, for and within the County of *Middlesex*; and the same proceedings shall be had thereon, to final Judgment and Execution, in the said County of *Middlesex*, as are by the Laws of the Commonwealth provided, in case of review in Civil Causes, where there has been but one Verdict in the Cause, any Law to the contrary notwithstanding; and the Execution on the aforesaid Judgment is hereby stayed, until the said Trial on the same review is had and determined.

October 3, 1786.

Chapter 7.*

Chap. 7

[September Session, ch. 7, 1786.]

Chapter 8.*

Chap. 8

[September Session, ch. 8, 1786.]

Chapter 9.*

Chap. 9

[September Session, ch. 9, 1786.]

Chapter 10.

RESOLVE ON THE PETITION OF *RICHARD DEVENS*, GRANTING HIM TWO THOUSAND NINE HUNDRED POUNDS, FOR FINISHING THE PRISON AT THE CASTLE, TO FURNISH OIL FOR THE LIGHT HOUSES, AND RATIONS, FIRE AND CLOATHING FOR THE GARRISON AND CONVICTS AT THE CASTLE, FOR SIX MONTHS.

Chap. 10

On the petition of *Richard Devens*, Esqr; Commissary General for this State, praying for warrants on the State Treasurer, for monies to purchase Oyl for the several Lighthouses in this State,—Provisions, Cloathing and wood for the Soldiers and Convicts at the *Castle*; also to compleat the building of a Prison on said *Castle Island*:

Resolved, that there be allowed and paid out of the Publick Treasury, to *Richard Devens*, Esqr; Commissary General, the sum of *Two thousand Nine hundred pounds*, for the following purposes, said *Devens* to be accountable for the expenditure of the same, viz. *Nine hundred*

* Governor's message, see end of volume.

pounds, towards finishing the Prison on *Castle Island*: *Six hundred pounds* for Six months Oyl for the several Lighthouses in this State; *fourteen hundred pounds* for Rations, fire and Cloathing for the Garrison and Convicts, at the *Castle*, for Six months. *October 5, 1786.*

Chapter 11.

- Chap. 11* RESOLVE ON THE PETITION OF ISRAEL WHITEMORE, EMPOWERING THE COMMISSIONERS TO RECEIVE AND EXAMINE THE CLAIMS OF THE SEVERAL CREDITORS, TO THE ESTATE OF JOSEPH GEARFIELD, TO MAKE RETURN TO THE JUDGE OF PROBATE FOR THE COUNTY OF MIDDLESEX, OF THE SUM OF NINETEEN POUNDS ELEVEN SHILLINGS AND EIGHT PENCE, CONSIDERING THE SAME AS VALID IN LAW.

On the petition of *Israel Whittemore*:

Resolved, that the prayer of the Petition be granted, and that *Abner Sanderson* and *Samuel Fisk*, who were appointed Commissioners, to receive and examine the claims of the several Creditors, to the estate of *Joseph Gearfield*, late of *Weston*, in the County of *Middlesex*, deceased, be, and they are hereby empowered and directed, to make return to the Judge of Probate, for the said County of *Middlesex*, of the sum of *Nineteen pounds eleven shillings and eight pence*; which sum it appears the said Commissioners had allowed, but through mistake, omitted to enter in their first report; and such return shall be considered as valid in Law, as though it had been made within the time limited: and the Judge of Probate for the County of *Middlesex*, is hereby directed to receive the same accordingly; any Law to the contrary notwithstanding.

October 6, 1786.

Chapter 12.

- Chap. 12* RESOLVE GRANTING TO THE HON. SAMUEL HOLTEN, ESQR; TWO HUNDRED POUNDS, ONE OF THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS, TO ENABLE HIM TO PROCEED TO CONGRESS, TO BE PAID OUT OF THE MONEY APPROPRIATED FOR THE SUPPORT OF GOVERNMENT, IN THE LATE TAX.

Resolved, That there be paid Out of the Treasury of This Commonwealth, to the Honbl. *Saml Holten*, Esqr; one of the Delegates of this Commonwealth in Congress, The Sum of *two hundred pounds*, he to be accountable for

the same; and the Treasurer is hereby directed, to pay the afores^d Sum out of the Money appropriated for the support of Government in the last Tax.

October 7, 1786.

Chapter 13.

RESOLVE REQUESTING THE GOVERNOR, TO APPLY TO CONGRESS, TO EXTEND THE TIME FOR RECEIVING FACILITIES IN THE REQUISITION OF *SEPTEMBER 27, 1785.*

Chap. 13

Whereas by a resolve of Congress of the 27th of *Sept.*, 1785, it is provided, that a certain part of the requisition of said date, be accepted from the several States in Certificates, to be issued by the Continental Loan Officers, for Interest on the liquidated debt of the United States, if said payments be actually made prior to the first day of *January*, 1786, & in conformity to the conditions, in said resolve prescribed; but otherwise, that silver & gold be only received therefor:

And whereas it appears to this Court, that the Loan Officer for this Commonwealth, by reason of the multiplicity of business in his Office, will not be able to furnish the Good Citizens thereof, with the Certificates they are entitled to, for Interest due to them on the Federal Debt, within the period limited by said resolve, for their being received on part of said requisition:

Therefore *Resolved*, that his Excellency the Governor be, and he hereby is requested to apply to Congress, to grant a prolongation of the time, for which Facilities may be received, agreeably to their said resolve of twenty seventh of *Sept.*, 1785, that the Citizens of this Commonwealth, may have opportunity to procure the same from the Loan Office in this State, and thereby avail themselves of the benefit, by said resolve intended,

October 7, 1786.

Chapter 14.*

Chap. 14

[September Session, ch. 14, 1786.]

Chapter 15.*

Chap. 15

[September Session, ch. 15, 1786.]

* Governor's message, see end of volume.

Chapter 16.*

- Chap. 16* RESOLVE MAKING A GRANT TO *NATHAN DANE*, ESQ; ONE OF THE DELEGATES TO REPRESENT THIS COMMONWEALTH IN CONGRESS.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to the honble. *Nathan Dane*, Esqr; one of the Delegates to represent this Commonwealth in Congress, the ensuing year, the sum of *two hundred pounds*, out of the money appropriated in the last tax, for the support of Government, he to be accountable for the same.

October 10, 1786.

Chapter 17.

- Chap. 17* RESOLVE DIRECTING THE COMMISSARY GENERAL, TO PROCURE BLANKETS, &c. FOR THE *PENOBSCOT* INDIANS, AND GRANTING *TWO HUNDRED POUNDS*, FOR THAT PURPOSE.

Resolved, that the Commissary General be, and he is hereby directed, To procure without delay, Three hundred and Fifty Blankets, Two hundred pounds of Gun powder, Eight hundred pounds of Leaden Ball and Shot, and Fifteen hundred Flints; To be delivered to such person as the Governor, with the Advice of Council shall appoint, to Carry into execution, An Agreement Made with the Tribe of *Penobscot* Indians, Agreeably to An Act, passed the General Court this day.

Resolved, that there be allowed and paid, out of the Treasury of this Commonwealth, to *Richard Devens*, Esqr; Commis^y. Gen^l The Sum of *two hundred pounds*, to Enable him to procure the Articles aforesaid, he to be accountable for the same.

October 10, 1786.

Chapter 18.

- Chap. 18* RESOLVE ON THE PETITION OF *JESSE JOHNSON*, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *CHESTER* FOR A FINE, FOR NOT SENDING A REPRESENTATIVE.

On the petition of *Jesse Johnson*, in behalf of the town of *Chester*, seting forth, that s^d town was fined in the Last State tax, for Not Sending a Representative, and

* Taken from court record.

praying that the same may be Abated; for Reasons set forth in his Petition:

Resolved, that the Prayer of the Petition be granted, and the Treasurer of this Commonwealth be, and he hereby is Directed, to Credit the said town of *Chester*, in the Last State tax, the Sum of *Eighteen Pounds*, being the fine set on said town.

October 11, 1786.

Chapter 19.

RESOLVE ON THE PETITION OF *JOHN BAILEY*, DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES, IN *PLYMOUTH* COUNTY, TO RETURN A CONSOLIDATED SECURITY, FOR THE SUM MENTIONED, ON CONDITION. *Chap. 19*

Upon the petition of *John Bailey*, Esq;

Resolved, that *Nathan Mitchell*, Esqr; *Zebedee Sprout*, and *Joseph Smith*, the Committee for the sale of Absentees Estates, in the County of *Plymouth*, be, and they hereby are directed, to return to the said *John Bailey*, a consolidated security of this Commonwealth, for the sum of *One hundred and three Pounds, eight shillings and six pence*, pledged with them by the said *John Bailey*, in their capacity as aforesaid, on condition that the said *John Bailey*, pay to the said *Mitchell*, *Sprout* and *Smith*, a security or securities of this Commonwealth, to the Amount of *thirty two Pounds, and ten Shillings*.

October 11, 1786.

Chapter 20.

RESOLVE ON THE PETITION OF *SOLOMON FREEMAN*, ESQ; IN BEHALF OF HIMSELF, *JOSEPH NYE*, ESQ; AND MR. *NATHAN DOANE*, GRANTING HIM *SIX POUNDS TWELVE SHILLINGS AND NINE PENCE*, FOR SERVICES IN VIEWING THE HARBOUR OF *CAPE COD*. *Chap. 20*

On the Petition of *Solomon Freeman*, Esqr; in behalf of himself, *Joseph Nye*, Esqr; and Mr. *Nathan Doane*, praying for an allowance for their service, in Viewing the Harbor of *Cape Cod*, agreeably to an order of the General Court:

Resolved, That there be allowed and paid out of the Public Treasury of this Commonwealth, to *Solomon Freeman*, Esqr; *Six pounds Twelve Shillings and nine pence*, in full for the aforesaid Service of himself, and the said *Nye* and *Doane*.

October 11, 1786.

Chapter 21.

- Chap. 21* RESOLVE ON THE PETITION OF *MICAH LEACH*, DIRECTING THE TREASURER TO MAKE OUT NOTES IN LIEU OF THOSE THAT HAVE BEEN DRAWN BY FORGED ORDERS.

On the Petition of *Micah Leach*, Setting forth that he Served three years in the Continental army, in Col^d. *Bradford's* Regt., in Capt. *Joshua Eddy's* Company, that the notes and Wages due to him for his Service, were drawn out of the Treas of this Commonwealth, by a Person unknown to him, who Forged his name at Said office :

Resolved, that the Prayer of the Petition be Granted, and that the Treasurer of this Common Wealth be, and he hereby is directed, to make out and Deliver to the Said *Micah Leach*, notes to the whole amount of the Wages due to him, of the Same Tenor and date, and in the same manner that he would have done, if the Said *Leach's* Wages had not been drawn by Forgery.

October 11, 1786.

Chapter 22.

- Chap. 22* RESOLVE ON THE PETITION OF THREE OF THE JUSTICES OF THE COURT OF COMMON PLEAS IN *LINCOLN* COUNTY, DECLARING CERTAIN PROCEEDINGS OF MR. JUSTICE *LITHGOW* VALID AND SUFFICIENT.

Upon the petition of three of the Justices of the Court of Common pleas for the County of *Lincoln*, shewing that at the Court of Common pleas, by law appointed to have been holden at *Waldoborough*, within and for the County of *Lincoln*, on the 2nd Tuesday of *Sept* last, Several of the Justices were casually prevented attending, For which reason the business of the said Court could not be completed, altho Justice *Lithgow*, and two Special Justices did open the same, and permitted the plaintiffs to enter their actions, and such Defendants as chose it, to become default, and also did transact some other business of less importance, and then adjourned :

Resolved, that the Proceedings abovementioned, of the s^d Justice *Lithgow*, and the said special Justices, be, and they hereby are confirmed, and rendered valid and sufficient in all Respects, as if such Proceedings had been had before three Justices of the said Court of Common Pleas ;

and the Clerk of said Court, and all concerned, are hereby empowered and directed, to govern themselves accordingly.
October 11, 1786.

Chapter 23.**Chap. 23*

[September Session, ch. 23, 1786.]

Chapter 24.**Chap. 24*

[September Session, ch. 24, 1786.]

Chapter 25.**Chap. 25*

[September Session, ch. 25, 1786.]

Chapter 26.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BOSTON*, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN FOR THE FINE OF *FIVE HUNDRED AND NINETY TWO POUNDS, EIGHTEEN SHILLINGS AND NINE PENCE*, FOR THE DEFICIENCY OF EIGHT MEN. *Chap. 26*

Whereas the town of *Boston*, is fined in the sum of *five hundred ninety two pounds, eighteen shillings and nine pence*, for a deficiency of eight men, out of eighty five men apportioned on the said Town, agreeably to a resolve of *March 7th, 1782*:—and whereas it appears to this Court, that the said town of *Boston*, did furnish eight men more than their quota, apportioned by a resolve of *Decem^r 2, 1780*, which eight men were by desire of General *Lincoln*, and with the approbation of General *Washington*, inlisted on board the Continental Frigate *Alliance*, commanded by *John Barry*, Esqr; then bound to *France*, on important business; with assurances that an allowance of Eight Men should be made to the said Town on ye next requisition for Men:

Resolved, that the Treasurer of this Commonwealth be, and he hereby is authorized and directed, to credit the Town of *Boston*, the said Fine of *five hundred ninety two pounds, eighteen shillings and nine pence*.

October 12, 1786.

* Governor's message, see end of volume.

Chapter 27.

Chap. 27 RESOLVE ON THE PETITION OF *SETH WASHBURN*, ESQR; IN BEHALF OF HIMSELF, *JOHN FESSENDON* AND *SAMUEL CURTIS*, ESQ'RS. GRANTING *THREE POUNDS TWELVE SHILLINGS* FOR THEIR SERVICES.

On the petition of *Seth Washburn*, Esqr; in behalf of himself, *John Fessendon* and *Samuel Curtis*, Esq'rs. a Committee appointed by the General Court, to repair to the town of *Dudley*, and enquire into certain concerns of the Indians in that Town, praying for allowance for said Service:

Resolved, that there be allowed and paid out of the Public Treasury of this Commonwealth, to *Seth Washburn*, Esqr; *three pounds twelve shillings*, for himself, *John Fessendon* and *Samuel Curtis*, Esq'rs. in full for their service as aforesaid.

October 12, 1786.

Chap. 28

Chapter 28.*

[September Session, ch. 28, 1786.]

Chap. 29

Chapter 29.*

[September Session, ch. 29, 1786.]

Chapter 30.

Chap. 30 RESOLVE ON THE PETITION OF *WILLIAM HUNT*, ESQR; AUTHORIZING THE JUDGES OF THE SUPREME JUDICIAL COURT, ON COMPLAINT MADE TO THEM, TO TAKE COGNIZANCE OF THE ACTION REFERRED TO, AND GRANT AFFIRMATION OF THE FORMER JUDGMENT.

On the Petition of *William Hunt*, Esqr; setting forth, that by mistake he omitted entering a Complaint against one *James Freeland*, at the Supreme Judicial Court holden at *Worcester*, in *September* last, and praying for Liberty to enter said Complaint, at the Supreme Judicial Court, to be held at *Cambridge*, on the last Tuesday of *October* instant:

Resolved, That the prayer of the said petition be granted, and that the Judges of the Supreme Judicial Court, at a Court, to be by them holden at *Worcester*, within, and for the county of *Worcester*, on the third

* Governor's message, see end of volume.

Tuesday of *April* next, be, and hereby are Authorized and impowered, on complaint to them made by the said *William Hunt*, in the Action above referred to, to take cognizance of the same, and grant affirmation of the former Judgment, in the same manner, as by Law they might have done, had said Complaint been entered at the said Supreme Judicial Court held at *Worcester*, on said third Tuesday of *September* last, any Law to the Contrary notwithstanding.

October 13, 1786.

Chapter 31.

RESOLVE ON THE PETITION OF *JEREMIAH HILL*, ESQ; IN BEHALF OF THE TOWN OF *BIDDEFORD*, EMPOWERING THE SELECTMEN, TO MAKE THEIR WARRANT IN MANNER AND FORM, AS BY LAW DIRECTED, AND MAKING THE SAME EFFECTUAL. *Chap. 31*

On the petition of *Jeremiah Hill*, Esqr; in behalf of the town of *Biddeford*, Shewing that no Warrant was given to *Shadrack Wetherbe*, Constable for Said Town, to collect the town tax in the aforesaid town, for the year one thousand Seven Hundred and eighty One; and praying that the Selectmen of the Said town, for the time being, may be authorized and impowered to make their Warrant to Said Constable of said *Biddeford*, for the aforesaid purpose:

Resolved, that the Selectmen of *Biddeford*, for the time being, be, and they are hereby impowered and directed, to make their warrant in Manner, and form as by Law is directed (*mutatis mutandis*) to the Constable aforesaid, and to deliver the same to the Constable aforesaid; and the warrant aforesaid, made and delivered as aforesaid, shall be as good and effectual in Law, for all future collections, as if the same had been made and delivered to the said Constable with the lists or assessments of the aforesaid tax.

October 13, 1786.

Chapter 32.

RESOLVE ON THE PETITION OF *JOHN HINDS* AND *JABEZ WESTON*. *Chap. 32*

On the Petition of *John Hinds* and *Jabez Weston*, Prisoners, who have been confined several months in the Goal in *Northampton*, for the Costs of the Prosecutions

against them, setting forth that they are wholly unable to pay the s^d Costs, and praying that they may be discharged :

Resolved, that the Sheriff of the County of *Hampshire* be, and he hereby is authorized and directed, to permit the said Prisoners, to go at large from the said Goal.

October 17, 1786.

Chapter 33.

Chap. 33 RESOLVE ON THE PETITION OF *ESTHER WAMSEON*, AN INDIAN WOMAN.

On the Petition of *Esther Wamseon*, an Indian Woman of the *Natick* Tribe, praying for liberty to sell a certain piece of Land, mentioned in her Petition, and for reasons therein set forth :

Resolved, that the prayer of the Petition be granted, and that she have leave to sell the same, for the most it will fetch, and to make and Execute a good and lawful Deed to the purchaser ; and that the money arising therefrom, be appropriated for the purchase of other Lands, where it will be more convenient for the Petitioner : and it is further

Resolved that this business be under the care and direction of Cap^t *Joseph Twitchell*, the only surviving Guardian of said indian Tribe.

October 18, 1786.

Chapter 34.

Chap. 34 RESOLVE ON THE PETITION OF *JOSEPH CHADBOURN*.

On the Petition of *Joseph Chadbourn*, Collector for the Plantation of *Little Falls*, in the County of *York*, Praying for an Abatement of two certain Taxes, committed to him to Collect, assessed on the unimproved Lands of Lady *Mary Pepperrall* and *William Pepperrall*, in the year of our Lord, 1781 :

Resolved that the Prayer of the Petition be granted, and that the Sum of *fourteen pounds nineteen shillings, and seven pence*, assessed to Lady *Mary Pepperrall*, and the other sum of *Eleven pounds twelve shillings, and ten pence*, assessed to *William Pepperrall*, both in the year of our Lord, 1781, be Abated, and that the Treasurer of this Commonwealth, discharge said Collector to the Amount of the sums aforesaid, and that Execution which has been issued against said Collector, be so far satisfied, and that the Sheriff govern himself accordingly.

October 18, 1786.

Chapter 35.

RESOLVE GRANTING ONE HUNDRED AND FIFTY POUNDS, TO THE COMMISSARY GENERAL, IN ADDITION TO WHAT HAS BEEN GRANTED TO PURCHASE BLANKETS, &c. FOR THE PENOBSCOT INDIANS. Chap. 35

On the Petition of *Rich^d Devens*, Esqr; Commissary General, representing that the sum of *Two hundred pounds*, granted him the 10th Ins, to procure Blankets, &c. for the *Penobscot* Tribe of Indians, is Inadequate for the purpose:

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *Richard Devens*, Esqr; the further sum of *one hundred and Fifty pounds*, to enable him to procure Blankets, &c. for the *Penobscot* Indians, Agreeably to a Resolve of the General Court, passed the 10th ins, he to be accountable for the same.

October 18, 1786.

Chapter 36.

RESOLVE EMPOWERING THE GOVERNOR, TO DRAW HIS WARRANT FOR FORTY POUNDS, TO DEFRAY THE CHARGE OF EXECUTING THE AGREEMENT WITH THE PENOBSCOT INDIANS. Chap. 36

Whereas by An Act passed the 11th Inst, the Governor, with the Advice of Council, was impowered to appoint some Suitable person to Repair to *Penobscot*, with the Blankets and other Articles for the *Penobscot* Tribe of Indians, and Cary into execution the Agreement made with Said Indians, and Receive a Deed of Relinquishment from Them:

Resolved, that the Governor, with the advice of Council be, and he is hereby Authorized, to grant a Warrant on The Treasurer, in favour of the Person appointed as aforesaid, For a Sum Sufficient for Said purpose, not Exceeding the Sum of *forty pounds*.

October 18, 1786.

Chapter 37.

RESOLVE ON THE PETITION OF WILLIAM DRAKE.

On the Petition of *William Drake*, Praying that he May be authorized to Enter an appeal against *Isaac Wendall*, at the Supreme Judicial Court, next to be holden at *Boston*, within and for the County of *Suffolk*:

Chap. 37

Resolved, that *William Drake*, Notify the s^d *Isaac Wendall*, By Serving him with an attested Copy of his Petition, and this order thereon, at Least Fourteen Days Before the Second Wednesday of the Next Setting of the General Court, to Shew cause if any he have on the said Day, Why the Prayer of the Said Petition Should not be granted, and that the Execution be Staid in the Mean Time.

October 18, 1786.

Chapter 38.

Chap. 38 RESOLVE ON THE PETITION OF *SAMUEL BRADFORD* AND OTHERS, OFFICERS OF THE COMPANY OF *CADETS*, IN *BOSTON*, DETERMINING THEIR RANK, AND INTITLING THE SAID COMPANY TO AN ADJUTANT, WITH THE RANK OF CAPTAIN.

On the petition of *Samuel Bradford* and others :

Resolved, That the Governor be, and he hereby is authorized and empowered, to commissionate the officers of the *Independent* company of *Cadets* in *Boston*, with the following rank, viz. the Captain with the rank of Lieutenant Colonel, and the Lieutenant and Ensign, each with the rank of Major.

Resolved, That the said Company of *Cadets* be, and hereby are intitled to an adjutant, and that the Governor be, and he hereby is authorized and empowered to commissionate the said adjutant with the rank of Captain.

October 18, 1786.

Chapter 39.

Chap. 39 RESOLVE ON THE PETITION OF *LEVI THAYER*.

On the Petition of *Levi Thayer*, praying that a new Tryal may be granted him, in two Actions instituted by *John Taylor*, and Judgment rendered thereon, in favour of the said *John*, by the Court of Common Pleas, for the County of *Worcester*, agreeable to the Certificate of the Clerk of said Court hereto annexed :

Resolved, that the Prayer of the said *Thayer's* Petition be granted, and that the said Judgments be, and hereby are rendered and declared to be null and void ; And that said *Taylor*, may if he see cause enter the said Actions anew in the said Court of Common pleas, and the same proceedings shall be had thereon, as if no Judgment had been rendered on the said Actions : *Provided* such entry

be made at the next Session of said Court of Common Pleas.

And it is further *Resolved*, that any Lands or Estate attached upon either of said Actions, shall be held to satisfy the Judgments, which the said *Taylor*, may finally recover against said *Thayer*. *October 19, 1786.*

Chapter 40.*

RESOLVE ON THE PETITION OF ISAAC FOX.

Chap. 40

On the petition of *Isaac Fox*, praying for liberty to re-enter, at the next Court of Common Pleas, in the County of *Middlesex*, an action brought against him by *Jonathan Simpson*, for reasons mentioned in said petition :

Resolved that the prayer of the said petition be so far granted, that the petitioner notify the attorney of the said *Jonathan Simpson*, by serving him with an attested copy of his petition, with this order of Court thereon, fourteen days at least, before the second wednesday of the next setting of the General Court, that he shew cause (if any he has) on said day, why the prayer of said petition should not be granted, and that execution be stayed in the mean time. *October 19, 1786.*

Chapter 41.

RESOLVE ON THE MESSAGE OF HIS EXCELLENCY THE GOVERNOR, GRANTING *TWENTY POUNDS*, FOR THE USE OF THE *HOUSATONUCK* INDIANS, TO BE DISPOSED OF BY THE GOVERNOUR, WITH ADVICE OF COUNCIL.

Chap. 41

On the representation of the *Moheakonuck*, or *Housatonuck* Indians, expressing their past attachment to this Commonwealth, faithful services during the late war, and the indigent state and circumstances to which they are now reduced, and requesting some necessaries for their support, and a supply of Books, for the instruction of their children :

Resolved, that there be allowed, and paid out of the public Treasury, the sum of *twenty pounds*, for the use of the said *Moheakonuck* or *Housatonuck* Indians, to be laid out in books, under the direction of the Governor, with advice of Council; the said Books to be committed to the

* Taken from court record.

care and distribution of such person or persons, as shall be appointed by the Governor, with advice of Council, for that purpose.

October 19, 1786.

Chapter 42.

Chap. 42

RESOLVE ON THE PETITION OF ADAM PORTER.

On the Petition of *Adam Porter*, of *Cumington*, praying that a Deed of certain land, made to the s^d *Adam*, *October 22nd*, 1771, by *Timothy Mower*, deceased, may be authenticated by the Oath of Witnesses to the hand writing of the s^d *Timothy*, the Subscribing Witnesses to the said Deed being Dead :

Resolved, that the Justices of the Court of Common Pleas, for the County of *Hampshire*, be, and hereby are authorized to hear, and examine the Witnesses to the hand writing of the s^d *Timothy*, and if upon such Examination, the s^d Justices are convinced of the authenticity of the same Deed, they are hereby authorized and directed, to certify the same thereon, which Proceedings shall have the same Effect, as if the subscribing Witnesses were present, and had testified the same, in the manner prescribed by Law.

October 19, 1786.

Chapter 43.

Chap. 43 RESOLVE ON THE PETITION OF JOHN ASHLEY, IN BEHALF OF THE TOWN OF SHEFFIELD.

On the petition of *John Ashley*, Jun^r Esq ; in behalf of the Town of *Sheffield*, Setting forth, that Some time Since the Treasurer Issued his Execution against the Said Town of *Sheffield*, for Deficiencies of Beef, Required of the Said Town, by a Resolve of the General Court, of the 4th of *Decm^r*, 1780, and Since the Issuing of the Said Execution, the Said Town have found a Rec^t from the Agent, for Receiving of Beef in favour of the Said Town, to the amount of Three Thousand, Eight hundred and forty W^t of Beef; and a receipt for the above mentioned quantity of Beef, signed by *William Bacon*, and bearing date the 10th of *July* 1781, being produced :

Therefore *Resolved*, that the Treasurer be, and he hereby is Directed, to Credit the Said Town of *Sheffield*, on the Execution Issued by him against the Said Town, for a Deficiency of Beef, as Set forth in Said Petition, the

Sum of *Sixty four Pounds* in Specie, the said Sum being equal to the Aforesaid Three Thousand Eight hundred and forty W^t of Beef. *October 19, 1786.*

Chapter 44.

RESOLVE ON THE PETITION OF *MARTIN BRIMMER.*

Chap. 44

On the Petition of *Martin Brimmer*, in behalf of himself & others, the Principal Creditors To the Estate of *Peter Oliver*, and *Peter Oliver*, junior. Esquires. Praying that Commissioners may be Appointed, To Reexamine the Claims against said Estate, for Reasons set forth in said Petition :

Resolved, that the Judge of Probate of Wills, &c. for the County of *Plymouth*, be, and he is hereby Authorized and empowered, on Application, To Appoint Commissioners to Reexamine the several Claims To the Estates aforesaid, and make Report thereof, within Such Term as the Judge of Probate shall think Necessary, at the Expence of said Creditors. *October 20, 1786.*

Chapter 45.

RESOLVE ON THE PETITION OF *ISRAEL ATHERTON.*

Chap. 45

On the Petition of *Israel Atherton*, praying that the Judge of Probate, in, and for the County of *Worcester*, May be Authorized to Direct the Commissioners on the Estate of *Peter Atherton*, again to sit, and Examine Certain Claims against the said Estate :

Resolved that the Judge of Probate, in and for the County of *Worcester*, be, and hereby is Authorized and Empowered, to Cause the Commissioners aforesaid, again to Sit, Examine and allow such Just Claims against the Estate of the Said *Peter*, as may be Exhibited by Said *Israel Atherton*, the said Commission of the Said Commissioners having been returned to the Said Judge of Probate and Closed, Notwithstanding. *October 20, 1786.*

Chapter 46.*

RESOLVE GRANTING FORTY SHILLINGS TO *ABEL PACKARD.*

Chap. 46

On the petition of *Abel Packard*, setting forth that he made provision for twenty five *british* Prisoners, in *October 1777* :

* Taken from court record.

Resolved that the prayer of the Petition be granted, and that there be paid out of the Treasury of this Commonwealth, to the said *Abel Packard*, the sum of *forty shillings*, in full of his account, any law or resolve to the contrary notwithstanding. *October 20, 1786.*

Chap. 47

Chapter 47.*

[September Session, ch. 47, 1786.]

Chapter 48.

Chap. 48

RESOLVE ON THE PETITION OF *EZRA JEWELL*.

On the Petition of *Ezra Jewell* of *Amesbury*, in the County of *Essex*, setting forth, that Judgment has been recovered against the said *Jewell*, on a certain bond, for the sum of *one hundred pounds*, debt and damage, and *two pounds eleven shillings and ten pence*, costs of suit, at a Court of Common Pleas, holden at *Concord*, within and for the County of *Middlesex*, on the Second Tuesday of *March* last, on an action brought against him by *John Hunt*, of *Watertown*, in the said County. and whereas it appears reasonable and just, that there should be a new trial on the aforesaid action, for the reasons set forth in the Petition: Therefore

Resolved, that the said *Ezra Jewell*, be, and he is hereby empowered to re-enter the said action, at the Court of Common Pleas, to be holden at *Cambridge*, on the last Tuesday of *November* next, and the said Court are hereby directed, to proceed thereon according to Law, in the same manner, as if the said action had been regularly brought, and the Writ returnable to the same Court, and had been there entered by the said *John Hunt*; and that the said *Ezra Jewell*, serve the said *John Hunt*, with an attested copy of this Resolve, fourteen days at least, before the holding of the aforesaid Court, and that the Judgment aforesaid be vacated, and the Execution thereon stayed. *October 21, 1786.*

Chapter 49.

Chap. 49

RESOLVE ON THE PETITION OF *WILLIAM WHITE*.

On the petition of *William White*, setting forth, that on the Seventeenth day of *December*, in the Year of our Lord, 1782, the Judge for probate of Wills, &c. for the County of *Suffolk*, appointed him Administrator on the Estate of

* Governor's message, see end of volume.

William White, late of *Boston*, Esqr; Deceased, and continued his duty as Administrator, for the space of about two years and half, at which time he was removed from the Said trust, by the Supreme Court of probate, then Acting under a Special act of the Legislature; and that the Said Judge of probate, has doubts of his Authority to Settle the Accounts of Said Administrator: Therefore

Resolved that the Judge for probate of Wills, and granting letters of Administration for the County of *Suffolk*, is hereby Authorized and directed, to Settle and Adjust the Accounts of the said *William*, while Acting in his said capacity of Administrator, as fully to all intents and purposes, as he is by Law empowered to Settle the Accounts of any Administrator or Administrators whatever.

October 21, 1786.

Chapter 50.

ORDER RESPECTING TRESPASSES IN THE EASTERN COUNTIES,
AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION, &c.

Chap. 50

Whereas it is represented to this Court, that divers persons, since the first of *January*, 1784, have illegally entered upon, and taken possession of some of the unappropriated Lands belonging to this Commonwealth, in the Eastern Counties, and that others are settling in like manner thereon, presuming upon the indulgence of Government, that they shall be quieted in their possessions:

Ordered, That the Governor be, and he is hereby requested, with Advice of Council, to issue a Proclamation, forbidding, and cautioning all persons against settling on any of the said Lands, or committing any trespass thereon, as they would avoid being dealt with according to law,—And that a number of such Proclamations be dispersed into different parts of the said Counties.

October 21, 1786.

Chapter 51.*

MESSAGE TO HIS EXCELLENCY THE GOVERNOR, REQUESTING HIM TO TAKE MEASURES TO PREVENT ANY OPPOSITION, TO THE SITTING OF THE SUPREME JUDICIAL COURT AT TAUNTON, ON TUESDAY NEXT.

Chap. 51

Ordered, that *Samuel Adams*, and *Tristram Dalton*, Esq's. Mr. *Davis*, Mr. *Shepard*, and Mr. *Brooks* of Med-

* Taken from court record.

ford, be a Committee, to wait upon his Excellency the Governor, and acquaint him, that information having been given, that there is a degree of probability, that some attempts may be made, to prevent the sitting of Supreme Judicial Court at *Taunton*, on Tuesday next, — Although the Legislature entertain full confidence, that his Excellency will exercise that authority on this occasion, with which the Constitution has vested him, yet they can't forbear expressing their desire, that he would immediately give the most serious attention to the subject.

October 21, 1786.

Chapter 52.*

Chap. 52 RESOLVE FOR MAKING ENQUIRY INTO THE CONDUCT OF A PRIEST, OFFICIATING AMONG THE *PENOBSCOT* TRIBE OF INDIANS.

Whereas the Commissioners appointed by a Resolve of the General Court, of the sixth of *July* last, to treat with the *Penobscot* Tribe of Indians, respecting their claim to lands on *Penobscot river*, have in their letter to the Governor, of the 12th of *September*, acquainted his Excellency with a complaint, exhibited to them by Colonel *Joseph Neptune*, one of the chiefs in the *Penobscot* Tribe, against the Priest officiating in the said Tribe; that he, the said *Neptune*, did put into the hands of the said Priest, thirty seven Beaver Skins, which he engaged to sell for him at *Boston*, and account with him for the proceeds, — that on his return, he was informed by the Priest, that he could not pay for the skins, as the money was taken from him in *Boston*, to pay for some cloathing, he the said chief had there; which at the time he received it, he supposed was given him by the Commonwealth: — And it being expedient, that due enquiry be made into the said complaint:

Therefore *Resolved* that the person, who is, or shall be appointed to execute an agreement, made by the Commissioners (above referred to) with the said *Penobscot* Tribe of Indians, be, and he is hereby empowered and directed, to summons the said Priest to appear before him, and answer to the complaint of the said Colonel *Joseph Neptune*, and to make such enquiries relative thereto, as he may judge necessary, in order to obtain a true statement of facts, and to report the same to the Governor and Council, that proper measures may be taken thereon.

October 21, 1786.

* Taken from court record.

Chapter 53.

RESOLVE ON THE PETITION OF SAMUEL TOBEY, ESQ.

Chap. 53

On the petition of *Samuel Tobey*, Esqr; one of the Committee for selling Absentees Estates in the County of *Bristol*, representing that the said Committee, sold a certain Lot of Land at Public Auction, and Received certain public securities of this Commonwealth, as a pledge for the payment of a sum of Money, which securities became forfeit, by Non payment of the said Money, and that by the said delinquency a loss ensued, which must be borne by the said Committee, unless they are allowed to pay said Securities into the Treasury, and pray the same may be received :

Resolved that the prayer of said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is impowered and directed, to receive of said Committee, *Sixty pounds* of the Securities mentioned in said Petition, being a Ballance remaining in the hands of said Committee, as sett forth in said Petition.

October 21, 1786.

Chapter 54.*

RESOLVE ON THE PETITION OF MARK LORD.

Chap. 54

On the Petition of *Mark Lord*, praying that he may have liberty to appeal his action against *Moses Coops*, from the Court of Common Pleas, held in the County of *York*, to the Supreme Judicial Court, held in said County, for reasons set forth in his petition :

Resolved that the said *Mark Lord*, notify the said *Moses Copps*, to appear on the second Wednesday of the next sitting the General Court, that he may shew cause, why the prayer of said petition, should not be granted, by serving him with an attested copy of his petition and this order, fourteen days before the next sitting of the General Court, and that execution be stayed in the mean time.

October 21, 1786.

Chapter 55.†

Chap. 55

[September Session, ch. 55, 1786.]

* Taken from court record.

† Governor's message, see end of volume.

Chapter 56.

Chap. 56

RESOLVE ON THE PETITION OF *THOMAS VINSON*.

On the Petition of *Thomas Vinson*, praying That an Oath administered by him as Moderator of a Meeting of the Second Parish in *Weymouth*, held *March* y^e 9th, 1786, for the Choice of Parish Officers, &c. to the Clerk then chosen for said Parish, and the Records made by the said Clerk, may be confirmed and rendered valid in Law, although a Justice of the Peace was present at the Time of administering said Oath :

Resolved, That for Reasons set forth in the said Petition, the Prayer thereof be granted And the Oath administered by the said *Thomas Vinson*, and the Parish Records made by the Clerk, to whom the same was administered, be, and they are hereby confirmed and made valid in Law, so far as they would have been, had the said Clerk been legally sworn, any law or Resolve to the contrary notwithstanding.

October 24, 1786.

Chapter 57.

Chap. 57

RESOLVE ON THE PETITION OF *THOMAS HALLET*.

On the petition of *Thomas Hallet*, Praying that he may be allowed the State's bounty that was Due to his son *Ezekiel Hallet* Deceased, who Inlisted in the Continental Army, in the year 1777, as set foarth in his said Petition :

Resolved that the prayer of the Petition be granted, and that the Treasurer of this Commonwealth be, and he is hereby Directed, to deliver to the Said *Thomas Hallet*, *twenty pounds*, in a Specie Note, with interest from the first Day of *January*, 1777.

October 24, 1786.

Chapter 58.

Chap. 58

RESOLVE ON THE GOVERNOR'S MESSAGE, RESPECTING THE SITTING OF THE SUPREME JUDICIAL COURT AT *TAUNTON*, AND REQUESTING HIM TO TAKE MEASURES FOR THE SITTING OF SAID COURT AT *CAMBRIDGE*, THE 31st INSTANT.

On the Message from his Excellency the Governor, of the 23d of *October*, 1786 :

Resolved, That *Samuel Adams*, *William Phillips* and *Tristram Dalton*, Esq'rs. *Mr. Hill*, *Mr. Howard*, *Mr.*

Daves, and Mr. *Tobey*, be a Committee to wait upon his Excellency the Governor, and thank him for the intelligence he has been pleased to communicate to this Court, respecting the measures he has taken, to support the Supreme Judicial Court, at their Session in the County of *Bristol*, and to assure his Excellency, that this Court, in the earliest part of its present session, did bear their faithful testimony against the late outrageous proceedings, in several Counties within the Commonwealth, and did express their high satisfaction, in the measures, which his Excellency has taken to suppress the same, and their firm resolution to support the Constitutional authority of the Government, and at the same time to enquire into, and redress all real grievances, and did also Resolve, that compensation should be made to such Officers and Soldiers of the Militia, as appeared in pursuance of his Excellency's order, for the purpose abovementioned, and that like compensation should be made for such of the said Officers and Soldiers, as might hereafter be called forth upon similar occasions: And that the said Committee further assure his Excellency, that this Court will always, on such, and other occasions, afford the Supreme Executive, all that aid, which shall be incumbent on them, in their own department, fully confiding, that his Excellency will still persevere in the exercise of such powers, as are vested in him by our excellent Constitution, for enforcing due obedience to the authority and Laws of Government, and for preventing any attempts to interrupt the administration of Law and Justice for the future, upon which the peace and safety of the Commonwealth, in the opinion of this Court, immediately depend: and that they acquaint his Excellency, that it is the earnest desire of this Court, that immediate measures may be taken, for the support of the Supreme Judicial Court, to be holden by Law within the County of *Middlesex*, the ensuing week.

October 24, 1786.

Chapter 59.

RESOLVE GRANTING TWENTY POUNDS, TO THE MESSENGER, TO PROVIDE FUEL, &c. *Chap. 59*

Resolved, That there be paid out of the Treasury of this Commonwealth, The Sum of *Twenty pounds*, to Mr. *Jacob Kuhn*, Messenger to the General Court, to enable

him to discharge some debts already contracted ; and to purchase further fuel and Candles, for the General Court, he to be accountable for the same. *October 25, 1786.*

Chapter 60.

Chap. 60 RESOLVE ON THE PETITION OF SAMUEL BROWN AND OTHERS.

On the petition of *Samuel Brown*, Esqr : and others, praying that they may have liberty to purchase of the Natives, a quantity of Lands lying westward of *Hudson's River*, and within the limits of the North and South lines of this State, — and that this Commonwealth would release their right to the same :

Resolved that the said *Samuel Brown* and others, named in said petition, be, and they hereby are permitted to purchase of the Natives, any law to the contrary notwithstanding, their right and title to the tract of Land hereafter described, viz. Bounded Southwardly on *Susquehannah River*, and running as said River runs, from the *River Owego*, on the West, unto the *River Chenango* on the East, and bounded by the said *Rivers Owego* and *Chenango*, running Northwardly as said Rivers run so far as to complete a Tract of Land equal to Ten Townships, of Six Miles square Each ; And that the right and title of this Commonwealth, reserving the Jurisdiction entire, be, and hereby is released and quitclaimed, unto the said *Samuel Brown*, and his Associates, upon this express Condition, Viz. That the said *Samuel* and his Associates, or any of them, do pay, or cause to be paid into the Treasury of this Commonwealth, *Three thousand three hundred and thirty-three Spanish milled dollars, and one third of a dollar*, — or Silver and Gold equivalent thereto, within two years from the passing of this Resolve, with Interest after one year.

Provided Nevertheless, That if the Legislature of this Commonwealth, shall at their next setting, after they shall be ascertained, that the Petitioners have made the purchase aforesaid, cause to be paid unto the said *Samuel Brown* and his Associates, a Sum, equal to such Sum or Sums of Money, as the purchase of said Natives may cost them, together with all charges attending the same, then and in such case, that title to the said tract of land, which the said *Samuel* and his Associates may have purchased of the natives, shall rest in this Commonwealth.

October 26, 1786.

Chapter 61.

RESOLVE ON THE PETITION OF JOHN HUNT.

Chap. 61

On the petition of *John Hunt*, of *Boston*, setting forth that a Judgment was unduly obtained against him, as Administrator on the Estate of *Joseph Sherburne*, late of *Boston*, esq^r deceased, at a Court of Common Pleas, holden at *Taunton*, in the County of *Bristol*, on the second Tuesday of *June* last, by *Jerathmel Bowers*, and praying that a new Trial may be granted him :

Resolved, For reasons set forth in the said Petition, that the prayer thereof be granted, and that *John Hunt* be, and he is hereby impowered to re-enter the said action, at the Court of Common Pleas, next to be holden at *Taunton*, in the County of *Bristol*, on the third Tuesday of *December* next, and the said Court are hereby authorized and directed, to proceed thereon, according to Law, and the rules of the said Court, in the same manner, as if the said action had been regularly continued in the said Court, he the said *Hunt*, serving the said *Bowers* with an attested copy of this Resolve, fourteen days at least before the setting of the said Court, and that the Mansion House set off to the said *Bowers* by virtue of the said Judgment, be holden to satisfy the Judgment which may be obtained on a new trial.

October 26, 1786.

Chapter 62.*

RESOLVE ON THE PETITION OF JUSTUS TREMAIN, GRANTING HIM EIGHT POUNDS TEN SHILLINGS, FOR HIS WAGES IN THE FOURTH MASSACHUSETTS REGIMENT.

Chap. 62

On the petition of *Justus Tremain*, who was fifer in the fourth *Massachusetts* regiment, in the year 1780 :

Resolved that the prayer of the Petition be granted, and that there be allowed and paid out of the public Treasury to the said *Justus Tremain*, the sum of *eight pounds ten shillings*, in full for his wages, from the first day of *January* 1780, to the twenty sixth day of *April* following, — the same to be charged to the United States.

October 25, 1786.

* Taken from court record.

Chap. 63

Chapter 63.*

[September Session, ch. 63, 1786.]

Chapter 64.

Chap. 64 RESOLVE DIRECTING THE COMMISSARY GENERAL TO PURCHASE CANNON, AND GRANTING HIM SUCH SUM OR SUMS, AS THEY MAY AMOUNT TO.

Whereas it is necessary, that the Several artillery Companies, within this Commonwealth, Should be immediately furnished with cannon :

Resolved, That the commissary General be, and he is hereby empowered and directed, to purchase for the use of this Commonwealth, Four brass cannon, each carrying a four or six Pound Shot, (if to be bought at the rate of *one shilling* for each pound that they may weigh, at six months credit) and that there be paid out of the Treasury of this Commonwealth, to the Commissary General, for the purpose aforesaid, in Six months after such purchase be made, Such Sum or Sums as the said Four cannon may amount to, at the rate aforesaid. *October 27, 1786.*

Chapter 65.

Chap. 65 RESOLVE ON THE PETITION OF *HARRISON G. OTIS*, IN BEHALF OF THE LIGHT INFANTRY FORMING IN *BOSTON*.

On the memorial of *Harrison G. Otis* and others :

Resolved, That it be recommended to the Governor of this Commonwealth, and he is hereby authorized and empowered, to commission such persons as may be elected by the Company of Light Infantry, now raising in the town of *Boston*, as Officers of the same company, *viz.* one Captain, one Captain Lieutenant, one first Lieutenant, one second Lieutenant and one Ensign.

October 26, 1786.

Chapter 66.

Chap. 66 RESOLVE ON THE PETITION OF THE INHABITANTS OF *GREENWICH* AND *BELCHERTOWN*.

On the petition of a number of the inhabitants of the Towns of *Greenwich* and *Belchertown*, praying that they may be incorporated into a Town or Parish :

* Governor's message, see end of volume.

Resolved, that the petition be so far granted, that the petitioners serve the Town Clerk of *Greenwich*, with a copy of said Petition, and the order of Court thereon, fourteen days before the second Wednesday of the next session of the General Court; that the Town of *Greenwich*, may then shew cause, (if any they have) why the prayer of said petition should not be granted.

And it is further *Resolved*, that the petitioners belonging to the Town of *Greenwich*, shall not be liable to be taxed by the said Town, for the settlement of a Minister, until the first day of *June* next. *October 28, 1786.*

Chapter 67.*

RESOLVE REQUESTING THE SUPREME EXECUTIVE TO APPLY TO CONGRESS, RESPECTING DEFICIENT REGIMENTAL PAY-MASTERS. *Chap. 67*

Whereas Congress did, on the third day of *November*, *A. D.* 1783, *resolve*, that the certificates for the arrears of pay due to the Officers and soldiers of the respective lines of the late continental army, that were delivered to the regimental Agents, should be delivered to the individuals to whom they belonged; or be deposited for their benefit, as the Supreme executive of the State, to which the respective agents belong, shall direct; but there was no penalty to enforce the compliance of said Agents, by delivering to the Secretary of this Commonwealth, said Certificates; notwithstanding the Supreme Executive of this Commonwealth, did on the sixth day of *July* 1785, give directions to the agents belonging to the *Massachusetts* line, to deposit in the Office of the Secretary of this Commonwealth, all the certificates in their possession, yet it appears that the following agents have neglected their duty, viz. *Azariah Eggleston, Ebenezer Storer, Joshua Danforth, Henry Nelson, Africa Hamlin, Park Holland, Crocker Sampson, and Samuel Jefferts*:

Therefore *Resolved*, that the Supreme Executive of this Commonwealth be, and hereby are requested, to apply to Congress, to take such further measures as shall by them be thought necessary to enforce a compliance of the said Agents, with the requisition of the said Supreme Executive. *October 28, 1786.*

* Taken from court record.

Chapter 68.

Chap. 68 RESOLVE FOR RAISING SIX HUNDRED AND SIXTY MEN AGREE-
ABLE TO RESOLVE OF CONGRESS.

Whereas his Excellency the Governor, by his Message of the 27th of the present month, has communicated sundry resolutions of Congress, passed by that Honorable Body, on the twentieth day of this Month, which resolutions are in the Words following,

By the United States in Congress assembled. *October 20, 1786.*

The Committee consisting of Mr. *Pettit*, Mr. *Lee*, Mr. *Pinckney*, Mr. *Henry* and Mr. *Smith*, to whom was referred the Letter from the War-Office, with the papers enclosed, containing intelligence of the hostile intentions of the Indians, in the western Country, have reported :

That the uniform tenor of the intelligence from the western Country, plainly indicates the hostile disposition of a number of Indian nations, particularly the *Shawanese*, *Puteotamies*, *Chippewas*, *Tawas* and *Twightwees*.

That these nations are now assembling in the *Shawanese* towns, and are joined by a banditti of desperadoes, under the names of *Mingoes* and *Cherokees*, who are outcasts from other nations ; and who have associated and settled in that Country, for the purpose of war and plunder ; that they are labouring to draw in other nations, to unite with them in a war with the *Americans* ; That it is expected, one thousand Warriors will soon be collected in the *Shawanese* towns, from whence they have already dispatched parties to commence hostilities : That from the motions of the Indians to the southward, as well as the northward, and the exertions made in different quarters, to stimulate the various Nations against the *Americans*, there is the strongest reason to believe, that unless the speediest measures are taken, effectually to counteract and defeat their plans, the war will become general, and may be attended with the most dangerous and lasting consequences.

That the Committee therefore, deem it highly necessary, that the troops in the service of the United States, be immediately augmented, not only for the protection and support of the frontiers of the States, bordering on the western territory, and the valuable settlements on, and

near the margin of the *Mississippi*, but to establish the possession, and facilitate the surveying and selling of those intermediate lands, which have been so much relied on, for the reduction of the debts of the United States: whereupon

Resolved, that the number of one thousand, three hundred and forty non-commissioned Officers and privates, be raised for the term of three years, unless sooner discharged, and that they, together with the troops now in service, be formed into a legionary corps, to consist of two thousand and forty, non-commissioned Officers and privates.

That the additional troops be raised by the following States, in the following proportions, to wit:

<i>New-Hampshire</i> , 260	}	Infantry and Artillery,	1220
<i>Massachusetts</i> , 660			
<i>Rhode Island</i> , 120			
<i>Connecticut</i> , 180			
<i>Virginia and Maryland</i> , each 60 Cavalry, making			120
			1340

That the Secretary at war, inform the executive authorities of the respective States, in which the troops are to be raised, the number and rank of Commissioned Officers to be furnished by each State, in proportion to the men.

That the pay and allowances to the Troops to be raised by this Resolve, be the same, as established by the Act of Congress of the 12th of *April*, 1785.

That the said troops shall be subject to the existing articles of war, or such as may hereafter be formed by Congress, or a Committee of the States.

Resolved, that the States above mentioned be, and they hereby are requested to use their utmost exertions to raise the quotas of troops, respectively assigned to them, with all possible expedition, and that the Executives of the said States be, and hereby are requested, in case any of their Legislatures should not be in session, immediately to convene them for this purpose, as a delay may be attended with the most fatal consequences.

Signed. CHARLES THOMSON, Secretary.

And whereas it appears to this Court necessary, That the said resolutions of Congress, should be immediately complied with, on the part of this Commonwealth:

Resolved, that his Excellency the Governor be, and he is hereby requested and empowered, with advice and consent of Council, to appoint such Officers, and issue such orders, as may most effectually and *immediately* tend to raise the Troops required, as this State's Quota, agreeably to the resolutions of Congress, before recited.

Resolved, That there be paid out of the Treasury of this Commonwealth, such Sum or Sums of Money, not exceeding *two thousand five hundred Pounds*, as the Governor, with advice of Council may order, for the purpose of carrying the foregoing resolution into complete execution.

Resolved that the Treasurer of this Commonwealth be, and he hereby is empowered and directed, to borrow on Interest of *six per Cent.* per annum, Monies sufficient to answer the Warrants, which may be drawn in consequence of the last mentioned resolution.

Resolved, That so much of the first monies, which shall be received into the Treasury on account of the tax laid for the specie part of the requisitions of Congress, of the 27th of *September*, 1785, as shall be sufficient to repay the money that shall be borrowed by the Treasurer, agreeably to the last mentioned Resolution, be appropriated for that purpose.

Resolved, That all Charges which shall be incurred by this Commonwealth, in consequence of these Resolutions, shall be esteemed as payments toward the Specie part of the requisitions aforesaid, of the 27th of *Sept.*, 1785, and charged to the same accordingly. *October 30, 1786.*

Chapter 69.

Chap. 69 RESOLVE ON THE PETITION OF SARAH SHAW AND JOHN ROWE.

On the Petition of *Sarah Shaw*, Executrix of the last Will and Testament of *Francis Shaw*, late of *Boston*, Esq; deceased, and *John Rowe*, Administrator to the Estate and Effects of *Robert Gould*, late of said *Boston*, Merchant, deceased, praying that a Grant made by the Legislature of the late Province of *Massachusetts bay*, to *Nathan Jones*, *Francis Shaw* and *Robert Gould*, of a Township called *Number three*, or *Gouldsborough*, in the County of *Lincoln*, East of *Mount Desert*, may be confirmed to the Grantees and their Representatives, for Reasons set forth in their Petition :

Resolved, that said Grant be confirmed to the said Grantees, and their Representatives, provided they, the said Grantees or their Representatives, shall within three years, from the passing this Resolve, Settle Sixty Protestant Families in Said Town, Build Sixty Dwelling Houses in the same, not less than Eighteen Feet Square, or of Equal Area, and seven feet Post ; Clear and cultivate five Acres of Land to Each Family, fit for Tillage or Mowing ; Build a suitable Meeting House for the Public Worship of God, Settle a Learned Protestant Minister, and make Provision for his comfortable and honorable support.

And *provided*, that the said Grantees, Appropriate four whole shares, or Sixty fourth Parts, Within one Mile of the center of said Town, Equal in quality with the Land in General in s^d Town, for the following purposes : — One for the first Settled Minister, his Heirs and Assigns forever ; one for the use of the Ministry ; One for the future disposition of Government, and one for the use of a School forever : and provided further, that the said Grantees shall allot and meet out, one hundred Acres of Land, unto each Settler in said Township, who before the first Day of *January*, 1784, settled thereon, and made sepearate Improvements, the same to be laid out in one lot, in such Manner as to include his Improvement, upon his the said Settler's paying to the said Grantees or their Agent, *thirty shillings*, — unless where a particular agreement has already been made.

October 31, 1876.

Chapter 70.*

RESOLVE ON THE PETITION OF *LEVI THAYER*.

Chap. 70

On the Petition of *Levi Thayer*, setting forth, that when absent beyond seas, one *Timothy Rawson*, unjustly recovered judgment against him the said *Levi*, at a Court of Common Pleas, held in the County of *Worcester*, 1786 :

Resolved, that the said *Levi Thayer*, notify the said *Timothy Rawson*, by leaving with him, or at his last and usual place of abode, an attested copy of said petition and this resolve, at least twenty days before the second Wednesday of the next sitting of this Court, that so he may appear (if he see cause) and give reasons, why the prayer of this Petition should not be granted, and that the execution be stayed in the mean time.

October 31, 1876.

* Taken from court record.

Chapter 71.

- Chap. 71* RESOLVE EMPOWERING *HUGH M'CLELLAN* AND *DAVID SMEAD*, ESQ'RS. TO MAKE SALE OF LAND MENTIONED IN THE RESOLVE OF JULY 8, 1786.

Whereas by a Resolve of *July 8th*, 1786, *Caleb Strong* and *David Smead*, Esq'rs. were empowered to make Sale of a Gore or Piece of Land, adjoining on the Town of *Ashfield*, in the County of *Hampshire*, and it appears convenient that the said *Caleb Strong*, should be excused from the Duties of that Appointment, and that some other Person should be chosen in his Place: Therefore

Resolved that *Hugh M'Clellan*, Esqr; be, and he hereby is empowered, together with the said *David Smead*, Esqr; to make Sale of the Land in the said Resolve mentioned, and to make a Deed or Deeds of the same, as in the Resolve afores^d is expressed.

October 31, 1786.

Chapter 72.

- Chap. 72* RESOLVE ON THE PETITION OF THE OVERSEERS OF THE POOR OF THE TOWN OF MARBLEHEAD.

On the petition of *Samuel Hooper* and others, Overseers of the poor of the town of *Marblehead*:

Whereas by a Resolve of this Court, of the 4th. *March*, 1784, the Collectors of The Town of *Marblehead*, are directed, to Collect and pay into the hands of the Overseers of the poor of said Town of *Marblehead*, certain sums of money, for the support and maintainance of the poor of said Town: and whereas by said Resolve, there is not sufficient power given to said Overseers to inforce the Collection and payment of said monies: Therefore

Resolved that the Overseers of the Poor of the Town of *Marblehead*, for the time being, be, and they are hereby Authorized and impowered, to demand and Receive, and in case of refusal to sue for, and recover of said Collectors, all the monies that are directed to be collected agreeably to said Resolve of the 4th *March*, 1784.

October 31, 1786.

Chapter 73.

RESOLVE APPOINTING A COMMITTEE TO BURN BILLS OF THE NEW EMISSION, AND OTHER SECURITIES IN THE TREASURY, AND EMPOWERING THE TREASURER TO MAKE EXCHANGE OF CONTINENTAL SECURITIES. Chap. 73

Whereas it appears that there are in the Treasury of this Commonwealth, Bills of the New emission, so called ; to the amount of *Forty four thousand, one hundred and forty six pounds, three shillings and nine pence.* — State Notes, not consolidated, to the amount of *Twelve thousand, three hundred and forty nine pounds, fourteen shillings and one penny.* — Consolidated Notes of this Commonwealth, to the amount of *Thirty thousand eight hundred and thirty nine pounds, two shillings and two pence.* — Army notes to the amount of *Ninety five thousand, six hundred and twenty four pounds, two shillings and ten pence.* and Certificate money, to the amount of *nine thousand, nine hundred and eighty seven pounds :*

Resolved that *Richard Cranch, Thomas Dawes and Jonathan Mason, Esq's.* be a Committee to examine the Securities of the several denominations heretofore enumerated, which may be in the Treasury ; to ascertain the exact amount of each, and to see the bills of the new emission defaced, and the rest of the abovementioned securities burned and destroyed, — making return of their doings to the Secretary of this Commonwealth, to be laid before the General Court, at their next sitting.

And whereas it also appears, that there are in the Treasury, Continental Loan Office Certificates, to the amount of *Seventeen thousand, two hundred and Ninety three pounds, two shillings and eight pence.* — *Peirce's* final settlement Certificates on interest, to the amount of *Twenty three thousand, five hundred, and forty four pounds, one shilling and six pence, three farthings ;* and *Appleton's* Certificates for interest, to the amount of *Twelve thousand eight hundred and ninety four pounds, eighteen shillings.*

And whereas it may be for the interest of this Commonwealth, that some exchanges of the said securities be made :

Resolved, that the Treasurer of this Commonwealth be, and he hereby is empowered and directed, whenever he

may think it for the interest of this Commonwealth, to exchange the said Continental securities for other Continental securities on interest. *November 1, 1786.*

Chapter 74.

Chap. 74 RESOLVE ON THE PETITION OF *JESSE JOHNSON*, IN BEHALF OF LIEUTENANT *WILLIAM CAMPBELL*, AND THE MEN BORNE ON HIS ROLL, DIRECTING PAYMENT OF SAID ROLL.

On the Petition of *Jesse Johnson*, in behalf of Lt. *William Campbell*, of *Chester*, in the County of *Hampshire*, and the men Bourn on his Pay Roll, Praying for Pay for their Service in Support of Government, at *Northampton* in Said County, in the month of *June*, A. D. 1782 :

Resolved, that agreeable to Said Pay Roll, there be Paid out of the Publick Treasury of this Common Wealth, to the said Lt. *William Campbell*, and the men Bourn on his Pay Roll Respectively, the Sum set against Each of their names, amounting in the Whole, to the Sum of *Twenty five Pounds, thirteen Shillings and Eight Pence*, — any Law or Resolve to the Contrary Notwithstanding.

November 2, 1786.

Chapter 75.

Chap. 75 RESOLVE ON THE PETITION OF *SAMUEL GODDARD*.

On the Petition of *Samuel Goddard*, of *Royalstown*, Praying that he may be impowered to Release or Quitclaim, part of a certain Farm in *Oxford*, in behalf of his children, under age, for reasons set forth in his Petition :

Resolved that the said *Samuel* be, and he is hereby Authorized and impowered, to Release and Quitclaim to *John Nichols*, of *Oxford*, and to his Heirs and Assigns, all such Right in said Farm, as might belong to *Henry, Samuel, Elizabeth, Asahel, Salmon and James*. Minor children of the said *Samuel*: *Provided* the s^d *Nichols* pay and Satisfy the Heirs of *Jonathan Simpson*, their full demands, for which purpose said Farm was intended, and was made over as Security; and that such Release or Quitclaim, be deemed good to the said *Nichols*, as tho the said children made and signed the same, after being arrived to lawful age.

November 3, 1786.

Chapter 76.RESOLVE ON PETITION OF *JONATHAN NUTTING*.*Chap. 76*

On the Petition of *Jonathan Nutting*, praying, That he may be allowed to review an Action, wherein *Robert Gardner*, obtained Judgment against him, for reasons set forth in said petition :

Resolved, That y^e prayer of said *Jonathan Nutting's* Petition be granted, and that he be allowed to enter, and prosecute his said Review at y^e Supreme Judicial Court, to be holden at *Boston*, the third Tuesday of *February* next, and that y^e same Court proceed thereon, as tho there had been no mistake, neglect, or breach of Agreement ; *Provided*, the said *Nutting*, shall notify said *Gardner*, by serving him with an attested Copy of this Resolve, fourteen Days before y^e said third Tuesday in *February*, any Law, Usage, or Custom to y^e contrary notwithstanding, and that the Execution be staid in the mean time.

*November 4, 1786.***Chapter 77.****Chap. 77*

[September Session, ch. 77, 1786.]

Chapter 78.**Chap. 78*

[September Session, ch. 78, 1786.]

Chapter 79.**Chap. 79*

[September Session, ch. 79, 1786.]

Chapter 80.RESOLVE ESTABLISHING THE PAY OF THE GENERAL COURT. *Chap. 80*

Resolved that there be paid out of the treasury of this Common Wealth, the sum of *eight shillings*, to each member of the Honourable Council, — and the sum of *seven shillings and six pence*, to each member of the Honourable Senate, — and the sum of *seven shillings* to Each member of the house of Representatives, for each day they have respectively attended the Council or the General Court the present session, also the further sum of one day's pay

* Governor's message, see end of volume.

for every ten miles distance, each member lives from this place.

And it is further *Resolved*, that there be granted, and paid out of the publick treasury of this Commonwealth, to the Honourable *Samuel Phillips*, jun. Esqr; President of the Senate, the sum of *six shillings* per day, and to the Hon. *Artemas Ward*, Esqr; Speaker of the house of the Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court at their present sitting, over and above their respective pay, as members thereof.

November 7, 1786.

Chapter 81.

Chap. 81 RESOLVE DISCHARGING AGENTS APPOINTED TO ASCERTAIN THE VALUE OF SHEEP'S WOOL, SOLE-LEATHER, &c. TO DETERMINE THE VALUE OF CERTAIN NOTES.

Whereas it is altogether unnecessary, that the Committee, or Agents, appointed for collecting and ascertaining the value of the several articles specified in the Notes issued for the pay of the late Continental Army, commonly called depreciation Notes, be any longer continued in Office :

Therefore *Resolved* that they be, and hereby are discharged from acting in said Office, from and after the first day of *December* next.

November 7, 1786.

Chap. 82

Chapter 82.*

[September Session, ch. 82, 1786.]

Chapter 83.

Chap. 83 RESOLVE GRANTING A BOUNTY ON HEMP RAISED IN THIS COMMONWEALTH, AND LAYING AN IMPOST DUTY ON ALL IMPORTED HEMP.

Resolved, that there be granted and paid out of the publick Treasury of this Commonwealth, a Bounty of *six Shillings* per Hundred, for every gross Hundred Weight of good merchantable Hemp, that shall be raised and manufactured, or sold for the purpose of being manufactured within this Commonwealth, by any Citizen of the same,

* Governor's message, see end of volume.

from the first Day of *January*, A. D. 1787, to the first Day of *January*, A. D. 1790.

Provided always, that no person shall be intitled to receive the Bounty aforesaid, until he shall have produced to the Treasurer of this Commonwealth, a Certificate, under the Hands of the Selectmen of the Town, in which the said Hemp was raised, or the major part of them, that the same was *bona fide* raised and dressed by the Person named in their Certificate aforesaid, or by some Person or Persons, acting for and under him, after the month of *January*, 1787. And also another certificate from the Surveyor of Hemp, in the Town where the same was sold or manufactured, or from some Ropemaker of good Credit and Reputation, where no such Surveyor of Hemp is appointed, that the Hemp, on which he claims the Bounty, was of a good merchantable Quality. And it is further

Resolved, that an Impost Duty of one *per centum*, be laid on all foreign Hemp, that shall be imported into this Commonwealth, from and after the said first Day of *January*, A. D. 1787, which Impost, or such part of it as may be necessary, shall be appropriated to the Purpose of paying the Bounties on Hemp, raised and dressed within this commonwealth, agreeably to the foregoing Resolve.

November 8, 1786.

Chapter 84.*

Chap. 84

[September Session, ch. 84, 1786.]

Chapter 85.†

ORDER DIRECTING THE SECRETARY TO FURNISH THE COMMITTEE ON ACCOUNTS, WITH SUCH LISTS OR ROLLS AS MAY BE REPORTED BY THEM, AND ALLOWED BY THE GOVERNOR, &c.

Chap. 85

Ordered, that the Secretary be, and he is hereby directed, when the Governor shall have signed a resolve for the payment of any roll or list, reported by the Committee on accounts, to transmit to said Committee, an attested copy of such roll or list, who are hereby directed, to record the same in the said Committee's books. *November 9, 1786.*

* Governor's message, see end of volume.

† Taken from court record.

Chapter 86.

Chap. 86 RESOLVE GIVING DAY TO ALL ACTIONS WHICH WERE TO HAVE BEEN TRIED ON THE LAST TUESDAY OF *AUGUST* LAST, BY THE COURT OF COMMON PLEAS, &c. AT *NORTHAMPTON*, AND FOR ADJOURNING SAID COURTS TO THE FOURTH TUESDAY OF *DECEMBER* NEXT.

Whereas divers actions commenced in the County of *Hampshire*, and returnable at the Court of Common Pleas, holden at *Northampton*, on the last Tuesday of *August* last, by reason of the Commotions in the said County, were not entered in the same Court :

Therefore *resolved*, that all Writs and processes, which were made returnable, and all Appeals made to the s^d Court of Common Pleas, in *August* aforesaid, may be entered at the Court of Common Pleas, which shall next be holden in said County ; and the Justices of the same Court, are hereby authorized to proceed upon, and render Judgment on such actions and appeals, which shall be of the same Validity, and have the same Effect, as if such Actions or Appeals had been entered at the said Term in *August* : and all Recognizances taken in the Court of General Sessions of the Peace in said County, on the third Tuesday of *May* last, or which were returnable to the same Court, on the s^d last Tuesday of *August*, shall be proceeded upon at the next Court of General Sessions of the Peace, which shall be holden in the same County, as they might have been on the said last Tuesday of *August*, if no Interruption to the said Court had then taken Place.

And be it further *resolved*, that the Justices of the Court of General Sessions of the Peace, for the said County, at the Term of the said Court, to be holden at *Northampton*, on the second Tuesday of *February* next, be, and they hereby are authorized and impowered, to grant Licences to Innkeepers and Retailers of spirituous liquors, in the same Manner as by Law they were authorized to grant such Licences, on the last Tuesday of *August* last, any Law to the contrary notwithstanding.

And whereas the present Session of the General Court, may be so far protracted, as to render it expedient to adjourn the Courts of Common Pleas and General Sessions of the Peace, for the County of *Hampshire*, by Law to be holden at *Springfield*, in and for said County, on the second Tuesday of *November* instant :

Resolved, that the said Courts of Common Pleas and General Sessions of the Peace be, and the same are hereby adjourned, to the fourth Tuesday of *December* next, then to be holden at *Springfield* aforesaid; And all Writs, Processes and Recognizances, which are or may be returnable to the said Court of Common Pleas, or Court of General Sessions of the Peace, and all actions and processes, continued, or triable in said Courts, shall be returnable to, have Day, and be triable on said fourth Tuesday of *December*, in like Manner, as they might or could have been, if the same Courts had been holden on the second Tuesday of *November* aforesaid.

And all parties concerned, are to take Notice hereof.

November 9, 1786.

Chapter 87.

LETTER OF INSTRUCTION TO THE DELEGATES AT CONGRESS,
RESPECTING *JAMES BOYD*, TO BE SIGNED AND FORWARDED
BY THE GOVERNOR.

Chap. 87

On the petition of *James Boyd*, esq^r; — a Letter of instruction to the Delegates of this Commonwealth at Congress :

IT having been represented to this Court by *James Boyd*, esq^r, now resident in *Boston*, that he obtained from the *British* Government in the year 1767, a grant of Fifty thousand acres of land, lying on the banks of the *River Schoodick*; and that the said *Boyd* went on, and possessed the said lands, introducing at his own charge, a large number of families, and that he was at great expence for Cattle and farming Utensils of all sorts, as well as in the erecting of necessary Mills and Water Works; but in the beginning of the late War, between *Great Britain* and these States, he took such an active and decided part in favour of the latter, that he soon became very obnoxious to the resentment of the *British*, and was obliged to leave all his property and possessions, and flee to the protection of the *United States*; that he has resided in *Boston*, until the present time, in hopes that his aforementioned lands, would fall within the bounds of this State, and that he should be reinstated in them; that the whole of his lands are on the western side of that River, which we suppose to be the *St. Croix*, mentioned in the Treaty, and the boundary line between *Nova Scotia*, and these States;

but that as the *British* Subjects are at present in the possession of those lands, the said *Boyd* is unjustly prevented from returning there to occupy and improve them. As we esteem him to have been a good friend to this Country, and still to remain such, — and one who is at present deprived of the possession of a large interest, in consequence of his attachment to it, — We instruct you to recommend him to the attention and favour of Congress, and to move that Hon^{ble} Body, to afford him such relief as they may think proper.

Read and *Ordered*, that the foregoing Letter be transmitted, and that his Excellency the Governor, be requested to sign and transmit the same to the Delegates from this Commonwealth in Congress.

November 10, 1786.

Chapter 88.

Chap. 88 RESOLVE ON THE PETITION OF THE TOWN OF NORTHFIELD, DIRECTING THE TREASURER TO CREDIT SAID TOWN, FIVE HUNDRED AND SEVENTEEN POUNDS, FIFTEEN SHILLINGS AND NINE PENCE, IN BACK TAXES, AND FOR ASSESSING THE SUM OF THREE HUNDRED AND FORTY TWO POUNDS, SIX SHILLINGS, ON THE COUNTY OF HAMPSHIRE.

Whereas it appears by the Valuation books and returns, made by the Town of *Northfield*, that there was a mistake in the Valuation settled in 1779, by means whereof, the said Town of *Northfield*, was charged with *eight shillings and four pence*, on the *thousand pounds*, more than it ought to have been, in consequence of which the said Town was assessed in the several taxes, granted on the Valuation of 1779, the sum of *one hundred and ninety two pounds, six shillings*, more than its just proportion; *sixteen pounds sixteen shillings and three pence*, of which sum, the Town have received.

And whereas it further appears, that in settling the valuation of 1782, the members of the County of *Hampshire*, made an addition of *six shillings and seven pence*, to the sum charged to Town of *Northfield*, by the Committee on Valuation, In consequence of which the said Town of *Northfield*, has been assessed in the several taxes Granted and Proportioned by the last mentioned Valuation, the sum of *three hundred and forty two pounds, six shillings*, more than its proportion.

Resolved, that the Treasurer of this Commonwealth be,

and he is hereby Directed, to Credit the Town of *Northfield*, the sum of *five hundred and seventeen pounds, fifteen shillings and nine pence*, on the back taxes. — And there be assessed, on the several Towns in the County of *Hampshire*, in the next State tax, *three hundred and forty two pounds six shillings*, of the above sum, in proportion as they stand on the Valuation. *November 10, 1786.*

Chapter 89.*

Chap. 89

[September Session, ch. 89, 1786.]

Chapter 90.

RESOLVE GRANTING THE GOVERNOR AND COUNCIL, *TWO HUNDRED POUNDS*, TO CARRY THE MINT ACT INTO EXECUTION, AND DIRECTING ALL PERSONS WHO HAVE COPPER IN THEIR POSSESSION, BELONGING TO THIS COMMONWEALTH, TO DELIVER IT TO THE COMMISSARY GENERAL.

Chap. 90

Resolved, That the Governor, with advice of Council, be, and he is hereby empowered, to draw a Warrant on the Treasurer of this Commonwealth, for the Sum of *Two Hundred Pounds*, to be applied to the carrying into Execution, an Act for establishing a Mint for the Coinage of Gold, Silver and Copper, passed the present Session.

Resolved, That all Persons having in their Possession, any Copper belonging to this Commonwealth, Be, and they are hereby directed, to deliver the same to the Commissary General, who is hereby directed to deliver, to the order of such Person or Persons as may be appointed by the Governor, with Advice of Council, Inspector or Inspectors of the Mint, such Copper as he may receive as aforesaid, together with what he may now have on hand, and is useful for Coinage, taking duplicate Receipts therefor, one of which shall be lodged with the Secretary.

November 11, 1786.

Chapter 91.

RESOLVE ON THE PETITION OF *WILLIAM BODMAN*, IN BEHALF OF THE TOWN OF *WILLIAMSBURGH*.

Chap. 91

On the Petition of *William Bodman*, in behalf of the town of *Williamsburgh*, Setting forth, that in the year 1780, the General Court Passed a resolve, by which the

* Governor's message, see end of volume.

said town was abated, and ought to have been credited, the Sum of *Six Hundred Pounds*, Paper money, — and that the town have not received any Benefit therefrom :

Resolved, that the Treasurer be, and he hereby is Directed, to Credit the Town of *Williamsburg* afores^d, out of any tax laid on the Said town, prior to the last tax, the Sum of *fifteen Pounds* in specie, that Sum being Equal to the afores^d Sum of *Six Hundred Pounds*, and is in full consideration therefor.

November 11, 1786.

Chapter 92.

Chap. 92 RESOLVE ON THE PETITION OF THE TOWN OF *BELFAST*, DISCHARGING THEM FROM CERTAIN TAXES.

On the Petition of the Inhabitants of the Town of *Belfast*, shewing that in the late War, they were obliged from their exposed Situation to the Enemy, to desert their Possessions, and suffered great Loss in their Interest, whereby they are rendered unable to pay the public Taxes, assessed on them, and praying for a Remission of the said Taxes :

Resolved, That the Prayer of the said Petition be so far granted, That the said Town of *Belfast* be, and it is hereby discharged of all the public Taxes, assessed on the said Town, except the Tax issued in *March* last ; and the Treasurer of this Commonwealth is directed to govern himself accordingly.

November 11, 1786.

Chapter 93.

Chap. 93 RESOLVE ON PETITIONS OF THE PLANTATIONS OF *HANCOCK* AND *CANAAN*.

On the Petitions of the Plantations of *Hancock* and *Canaan*, setting forth their great poverty and inability for the payment of public Taxes, and praying for an abatement of the Taxes assessed on them by the Town of *Winslow* :

Resolved, that the Plantations of *Hancock* and *Canaan*, be, and they hereby are discharged from paying to the Town of *Winslow* the several taxes assessed on them by the said Town ; and that the Treasurer of the Commonwealth be, and hereby is directed to credit the said Town of *Winslow* accordingly.

Resolved, that the Plantations of *Hancock* and *Canaan*,

be, and they hereby are authorized and required, to assess on the inhabitants of the said Plantations, the sums of money assessed on them by the Town of *Winslow*, and to collect the same; and that the sums of money so assessed and collected, be severally applied to the making and repairing roads and Bridges in the said Plantation.

And be it further *Resolved*, That in case the foregoing resolution be not carried into effect, and a Certificate thereof, produced and given in to the Treasurer of the Commonwealth, on or before the first day of *November* next, then, and in that case, the monies aforesaid, or such parts of them, as shall not be applied to the purposes aforesaid, shall be paid into the Treasury of this Commonwealth.

November 11, 1786.

Chapter 94.*

Chap. 94

[September Session, ch. 94, 1786.]

Chapter 95.†

Chap. 95

[September Session, ch. 95, 1786.]

Chapter 96.†

Chap. 96

[September Session, ch. 96, 1786.]

Chapter 97.

RESOLVE AUTHORIZING COURTS OF COMMON PLEAS AND COURTS OF SESSIONS, NEXT TO BE HOLDEN IN THE COUNTY OF *MIDDLESEX*, TO TAKE COGNIZANCE OF ALL ACTIONS, &c. WHICH SHOULD HAVE BEEN DETERMINED UPON IN *SEPTEMBER* LAST.

Chap. 97

Whereas the Court of General Sessions of the Peace, and Court of Common Pleas in the County of *Middlesex*, Which should have Been holden at *Concord*, for and within the said County, on the Second Tuesday of *Sept* Last, was prevented setting and Transacting the Business of the s^d Courts: Therefore,

Resolved, that all Writs and Processes, Which were returnable, and all appeals made, and all actions continued to the said Court of Common Pleas, in *Sept* Last, May be Entered, and have day at the Court of Common Pleas

* Governor's message, see end of volume. Taken from court record.

† Governor's message, see end of volume.

which shall next be holden in the Same County; and the Justices of the same Court are hereby Authorized to Proceed upon, and render Judgment on all Such actions and appeals; Which shall be of the Same Validity, and have the same Effect, as if such actions or appeals had been Entered at the aforesaid term in *Sept* Last; And all Recognizances returnable in the Court of General Sessions of the Peace in the same County, on the aforesaid second Tuesday of *Sept* Last, shall be proceeded upon at the next Court of General Sessions of the Peace, which shall be holden in the Same County, in the same manner as they might have Been on the said Second Tuesday of *Sept*, if no interruption to the said Court had taken place.

And be it Further *Resolved*, that the Justices of the Court General Sessions of the Peace for the Said County, at their next session, to be holden at *Cambridge*, on the Last Tuesday of *Novr* instant, be, and they hereby are Authorized and empowered to Grant Licences to inn keepers and retailers of Spirituous Liquors, in the same Manner, as by Law they were authorized to Grant Such Licences on the Said Second Tuesday of *Sept* Last, any Law to the Contrary Notwithstanding.

November 14, 1786.

Chapter 98.*

Chap. 98 RESOLVE AUTHORIZING THE SUPREME JUDICIAL COURT, TO SET AT LENOX IN MAY NEXT, TO TAKE COGNIZANCE OF ALL ACTIONS, &c. WHICH SHOULD HAVE BEEN DETERMINED UPON BY THE SAID COURT, IN OCTOBER LAST.

Whereas at the time for holding the Supreme Judicial Court at *Great Barrington*, within and for the County of *Berkshire*, on the first Tuesday of *October* last, the Justices of the said Court, by reason of the commotions, tumults and disorders in the said County, were prevented from holding the said Courts at the said time and place, within and for the said County:

Therefore, *Resolved*, that the said Supreme Judicial Court, be held at *Lenox*, within and for the said County of *Berkshire*, on the first Tuesday of *May* next, then and there to transact, and do all the business, and to hear and determine all the several causes, complaints and other matters and things which would regularly have come

* Taken from court record.

before the said Court, had it been held on the first Tuesday of *October* last, as aforesaid; and likewise all the several causes, complaints, recognizances and other matters and things, which may regularly be brought before the said Court, that have arisen or may arise in the said County, from the said first Tuesday of *October* last, until the holding of the said Court, on the first Tuesday of *May*, as aforesaid, and that all appeals, writs, recognizances, warrants, complaints and other causes, which were to have been returned, received, considered and proceeded upon by the said Court at their term in *October* last, as above-said, shall be returned, received, considered and proceeded upon, heard and determined, in like manner as the same might and ought to have been returned, received, considered, proceeded upon, heard and determined before the said Court, if the same Court had been held in the said County, on the first Tuesday of *October* last, any law to the contrary notwithstanding. *November 10, 1786.*

Chapter 99.

RESOLVE FOR ADJOURNING COURTS OF COMMON PLEAS FOR THE COUNTY OF *BERKSHIRE*, TO *FEBRUARY* NEXT. *Chap. 99*

Whereas at the time for holding the Courts of Common pleas, and General Sessions of the Peace, at *Great Barrington*, in the County of *Berkshire*, on the second Tuesday of *September* last past, the Justices of the same Courts, for special reasons, did not proceed to transact the usual business, but having opened the same Courts, and continued all the Actions, complaints, Matters and things therein depending, adjourned without day: And whereas it is expedient that the next Courts of Common Pleas, and General Sessions of the Peace for the said County should be adjourned:

Therefore; *Resolved*, That the Courts of Common Pleas, and General Sessions of the peace, by Law to be holden at *Great Barrington*, within and for the said County of *Berkshire*, on the third Tuesday of *Novemr* current, be, and the same are hereby adjourned to the first Tuesday of *February* next, to be holden at *Lenox*, within and for the said County, and that all Writs, recognizances, Warrants and other processes issued, taken and depending in the said Courts, or either of them, or which were to have been returned and proceeded upon, and all matters and things

which might be heard and determined by the said Courts, either at their session in *September* or *November* as aforesaid, shall be returned and proceeded upon, heard and determined by the said Courts, at the time appointed by this Resolve, for the holding the said Courts, in like manner as the same respectively might and ought to have been returned and proceeded upon, heard and determined, by the said Courts, which were held on the said second Tuesday of *September*, and adjourned in manner aforesaid, or which by Law might and ought to be held on the said third Tuesday of *November*, if the same Courts were not adjourned by this Resolve, any Law to the contrary notwithstanding.

November 14, 1786.

Chapter 100.

Chap.100 RESOLVE EXTENDING THE TIME FOR RECEIVING LOAN OFFICE CERTIFICATES FOR INTEREST IN PAYMENT OF ONE THIRD OF THE TAX LAST ISSUED.

Whereas it was provided in the Tax Act, passed the twenty third of *March* last, that one third part of the said Tax might be paid in Certificates issued from the loan Office, for the Interest of the liquidated Debt of the United States; provided that the same were paid with a Sum in Specie equal to One half of such Certificates, on or before the first Day of *January* next: And Whereas the Delay in furnishing the Loan Officer of this Commonwealth, with Certificates, will render it inconvenient to many of the Citizens thereof to pay that part of said Tax within the time aforesaid:

Resolved, that the Collectors of the said Tax, in the several Towns, Districts and Plantations in this Commonwealth, be, and they are hereby authorized and directed, to receive One third part of said Tax in Certificates, issued from the Loan Office for Interest on the liquidated Debt of the United States; provided they are paid with a Sum in Specie equal to one half of such Certificates, on or before the first Day of *April* next, any thing in said Act to the Contrary notwithstanding. *November 15, 1786.*

Chapter 101.

Chap.101 RESOLVE PROVIDING FOR THE PAYMENT OF THE MEMBERS OF THE GENERAL COURT.

Resolved, that the Treasurer be, and he is hereby directed to pay the Members of the Hon^{ble} Council and the

Members of the General Court, for their Travel and Attendance the present Session, out of the Specie part of the Tax granted in *March*, 1786, and appropriated for the Support of Government, or out of any back taxes that are to be paid in Specific Articles, as they shall Choose.

November 15, 1786.

Chapter 102.

RESOLVE DIRECTING THE COMMANDER OF THE CASTLE TO MAKE A RETURN TO THE GOVERNOUR OF UNSERVICEABLE CANNON; THE COMMISSARY GENERAL TO SELL THE SAME, AND PURCHASE IRON FOR THE NEW GOAL ON SAID ISLAND. Chap.102

On the memorial of *Richard Devens*, Esq; Commissary General:

Resolved, That the Captain of the Castle, on *Castle Island*, be, and he is hereby directed, to make a Return of such Iron Cannon, on the said Island, or in the neighbourhood, as is unfit for Service, to the Governour; and the said Commissary General, is hereby authorized and directed to make Sale of such iron cannon, as shall be so returned as unfit for service, and to purchase Iron, for the Goal, &c, now building on the said Island, he to be accountable.

November 15, 1786.

Chapter 103.*

Chap.103

[September Session, ch. 103, 1786.]

Chapter 104.

RESOLVE ADJOURNING *PLYMOUTH* COURTS, TO THE 2^d TUESDAY IN *JANUARY* NEXT. Chap.104

Whereas a Court of Genl Sessions of the peace, and a Court of Common Pleas, are by law to be holden at *Plymouth*, within and for the County of *Plymouth*, on the second Tuesday of *December* next: And whereas the fourteenth Day of the said *December*, is appointed for a Day of public thanksgiving, which renders it inconvenient that the said Courts, should be holden at the time appointed by law: therefore

Resolved, that the Court of Genl Sessions of the peace, and Court of Common Pleas, which by law should be holden at *Plymouth*, within and for the County of *Plym-*

* Governor's message, see end of volume.

outh, on the second Tuesday of *December* next, be, and they are hereby adjourned to the second Tuesday of *January* next, then to be holden at *Plymouth*, within and for the County aforesaid: and all writs, processes and recognizances, returnable to, and all appeals made to the said Court of Genl Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Plymouth*, as aforesaid, and all matters, causes and things, that might have had day, or that might have been had, moved or done, at, in, or by the said Courts at the time by law appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same, any law to the contrary notwithstanding, — and the Secretary is hereby directed, to publish this Resolve in the two *Boston* Newspapers, which shall be printed next after passing the same.

November 16, 1786.

Chapter 105.

Chap.105 RESOLVE DIRECTING THE TREASURER TO BORROW SEVENTY TWO POUNDS, FOR THE AGENTS APPOINTED FOR SETTTLING THE CONTROVERSY BETWEEN THIS STATE AND NEW YORK, RELATIVE TO THE WESTERN TERRITORY.

On the representation of *James Sullivan* and *Theop! Parsons*, Esq's. two of our Agents for settling the controversy between this State and *New York*, relative to the Western territory:

Resolved, that the Treasurer be impowered and directed, to borrow the sum of *Seventy two pounds*, to be repaid out of the money, which may come into the Treasury from that part of the Tax, granted in *March* last, which is appropriated for the use of Government; And pay the same unto the two Agents abovenamed, for the purposes aforesaid, they to be accountable therefor.

November 16, 1786.

Chapter 106.

Chap.106 REPORT OF THE COMMITTEE RESPECTING THE DIVIDING THE COUNTY OF LINCOLN, INTO THREE DISTRICTS, &c. AND AN ORDER DIRECTING THE SECRETARY TO TRANSMIT A COPY TO EACH TOWN AND PLANTATION IN THE SAID COUNTY, THAT THEY MAY SHEW CAUSE, &c.

The Committee of both Houses, on the Governor's Message of the 4th Inst, accompanied with a Report of the

Commissioners, appointed the 6th of *July* last, to treat with the *Penobscot* Tribe of Indians, and for certain other matters respecting the county of *Lincoln*, beg Leave further to report, —

That in the Opinion of your Committee, it will be expedient, That the present County of *Lincoln* be hereafter formed into Three distinct Counties, and that the dividing Lines of the said Counties, be now established, as the Establishment of those Lines would much facilitate the laying out of Townships, so as to prevent many Inconveniences in future, that might otherwise arise — and until those Counties be incorporated, that the present County of *Lincoln*, remain in all other Respects as at present, — and that the dividing Lines of the intended Counties, be as follows, *Viz.* The first County to be bounded on the one Side by the county of *Cumberland*, and the dividing Line between the said First County and the Second, to begin on the *Atlantic Ocean* at the West Bounds of the Town of *Thomaston*, thence running Northerly by the West Line of said Town, to the Southeasterly Corner of the Town of *Warren* to the Town of *Union*, then by the East Line of the last mentioned Town, to the Northeast Corner of the same, then North Seven Degrees East, to the North Line of *Waldo's Patent*, so called, then North to the High Lands. The dividing Line between the Second or Middle County, and the Third, to begin on the *Atlantic Ocean*, and extend Northerly with the Western Bounds of *Goldsborough* to Township *Number Two*, thence with the South Line of that Township to the Eastern Bounds thereof, — then with the said eastern Bounds, as far as the Town extends — then on the same Course, North, to the High Lands. The Third or Eastward County, to comprehend all the Lands within this Commonwealth, to the Eastward of the Line last described.—And that the Shire Towns of the said Counties, when incorporated agreeable to the above Division, be as follows, *Viz.* The Shire Town of the First County, to be at *Pownalborough*; The Shire Town of the Second, or Middle County, to be at *Number Three*, on *Penobscot River*, And the Shire Town of the Eastern County, to be at *Machias*.

Your Committee are further of Opinion, that it will be expedient, that a Road should be opened from *Penobscot River*, to the Bay of *Passamaquoddy* near the mouth of *Schooduck*, agreeable to the Report of the Commissioners

aforementioned ; and that Provision be made for that Purpose, at the next Sitting of the General Court.

It appears by the Report of the said Commissioners, that some of the Plantations in the said County of *Lincoln*, complain that by reason of the Laws not being forwarded to them, they are ignorant of the Mode of assessing the late Tax ; to remove this, and prevent a similar Complaint in future, your Committee apprehend that it is necessary, that the Treasurer be directed to furnish such deficient Plantations, with the Tax Acts referred to, and that the Printers be directed to furnish the several Plantations in this Commonwealth, with the Laws and Resolves, that shall from Time to Time be passed.

Your Committee having considered the several Matters contained in his Excellency's Message, with the Papers accompanying it, except what relates to certain irregular Marriages mentioned by the said Commissioners, it is their opinion that this be referred to future consideration, and ask leave to be discharged.

COTTON TUFTS, per order.

Read and accepted, and *Ordered*, that the Secretary transmit to the several Towns and Plantations in the County of *Lincoln*, a Copy of such part of this report, as respects a division of that County, that they may appear on the third Wednesday of the next sitting of the General Court, to shew cause, if any they have, why the County of *Lincoln*, shall not be divided into three separte Counties, in the manner therein proposed.

November 16, 1786.

Chapter 107.

Chap.107 RESOLVE GRANTING FORTY POUNDS, TO THE CLERK OF THE SENATE AND HOUSE.

Resolved, That there be paid out of the public Treasury, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and to Mr. *Samuel Cooper*, Clerk of the Honorable Senate, *forty pounds* each, on Account of their services the present year.

November 16, 1786.

Chapter 108.

Chap.108 RESOLVE GRANTING TWO HUNDRED POUNDS TO ROBERT AND ALEXANDER BARR, TO ENABLE THEM TO COMPLEAT CERTAIN MACHINES, &c.

Resolved, that there be granted and paid out of the publick Treasury of this Commonwealth, to the said

Robert and Alexander Barr, the Sum of *two hundred pounds*, to enable them to compleat the said three Machines, and also a roping Machine, and to construct such other Machines, (connected with those already exhibited) as are necessary for the purpose of carding, roping and spinning of Sheep's Wool, as well as of Cotton wool; they to be accountable for the Expenditure of the same, and to lay their Accounts of the whole Expence of those several Machines, before the General Court, for allowance.

And it is also *Resolved*, that all those Machines before-mentioned, when finished, shall be delivered by the said *Robert and Alexander Barr*, to a Committee of the General Court, to be hereafter appointed; to be disposed of, as the Legislature shall think meet, for the purpose of promoting, extending and encouraging the Manufacture of Woolens and Cottons within this Commonwealth.

And it is further *Resolved*, that a Gratuity, such as the General Court may hereafter agree upon, (when a full Tryal shall have been made of the Utility, and publick Advantage of those Machines) shall be given to the said *Robert and Alexander Barr*, as a Reward of their Ingenuity, and as an Inducement to other ingenious Artists and Manufacturers to bring their arts also into this Commonwealth.

November 16, 1786.

Chapter 109.

RESOLVE DIRECTING THE TREASURER, IN WHAT MANNER TO PROCEED IN DRAWING ORDERS ON COLLECTORS AND CONSTABLES.

Chap.109

Whereas it appears that the drawing of Orders on the Collectors of Taxes, promiscuously, has tended to depreciate those Orders :

It is therefore, *Resolved*, that in all orders hereafter to be drawn, in Anticipation of that part of the Tax granted in *March 1786*, which is appropriated for the Support of Government, and for the Payment of the Interest on the Consolidated Notes of this State, the Treasurer be, and he is hereby directed to draw on particular Collectors or Constables, and that Orders shall not be credited to any other Collectors or Constables, than those on whom they were drawn.

November 16, 1786.

Chapter 110.

Chap.110 RESOLVE FOR EXPEDITING THE SALE OF PUBLIC LANDS AT THE EASTWARD, AND ADDING *LEONARD JARVIS* AND *RUFUS PUTNAM*, ESQUIRES, TO THE COMMITTEE, AND DIRECTING NO TAXES TO BE ASSESSED ON SAID LANDS FOR TEN YEARS.

Whereas it is for the interest of this Commonwealth, that the Sales and Settlements of the unappropriated Lands, in the Eastern Counties, should be forwarded with the greatest expedition :

And whereas the Committee, appointed by a Resolve of the 28th of *October* 1783, on the Subject of unappropriated Lands, have represented to this Court, that an addition to the said Committee, may tend to facilitate the said Sales and Settlements :

Resolved, that *Leonard Jarvis*, and *Rufus Putnam*, Esqrs, be, and they are hereby added to the said Committee; any two of whom, by consent of the majority, are hereby empowered to transact and compleat any business that is or may be assigned to the Committee, by Virtue of the aforementioned, or other Resolves.

It is further *Resolved*, that no taxes for the use of this Commonwealth, or of the United States, shall be assessed on any of the said lands, which may be sold by the said Committee, after the passing of this Resolve, until ten years shall be compleated from the date of the deed.

November 16, 1786.

Chapter 111.

Chap.111 RESOLVE ON THE PETITION OF *JOSIAH BEMIS*.

On the petition of *Josiah Bemis*, a Prisoner now under Confinement in the common Goal of the County of *Suffolk*, praying that he may be liberated from his Confinement in the said Goal :

Resolved, that the Prayer of the Petitioner be so far granted, as that the said *Josiah Bemis*, be liberated from his Confinement in the Goal aforesaid, on the following express Condition, *that is to say*, That he the said *Bemis*, previous to his Liberation, enter into Recognizance with two sufficient Sureties, before some Justice of the Peace, in and for the County of *Suffolk*, in such a sum each, as the said Justice shall judge reasonable : Conditioned, that

if the said *Josiah Bemis*, shall be of Good behaviour towards all the Subjects of this Commonwealth, for the Term of seven years next after the Time of his said Liberation, then the said Recognizance to be void; otherwise to abide in full Force and Virtue. And the Justice before whom the Recognizance aforesaid, shall be acknowledged, is hereby directed to return the same to the next Court of General Sessions of the Peace, to be holden in and for the County aforesaid, there to remain on the Files of the said Court.

November 17, 1786.

Chapter 112.

RESOLVE EMPOWERING THE SUPREME JUDICIAL COURT, TO TAKE COGNIZANCE OF APPEALS FROM THE COURT OF COMMON PLEAS, IN CERTAIN CASES.

Chap.112

Whereas by an Act of this Commonwealth, entitled, “an Act for encouraging the manufacture of Loaf Sugar, in this Commonwealth,” made and passed on the thirtieth day of *November*, in the year of our Lord, seventeen hundred and eighty five, it is enacted, “That all forfeitures and penalties incurred by this, or any other Act, for the encouragement of the commerce, navigation and manufactures of this Commonwealth, shall be recovered by libel, complaint, action of debt or the case, before any Court of Common Pleas, within the County where such seizure shall be made, as the nature and circumstances of the case shall require:” and whereas no appeals by the said law are provided for, from such judgments of said Court of Common Pleas, to the Supreme Judicial Court:

Resolved, that from all judgments which hereafter may be made and passed by any Courts of Common Pleas, within this Commonwealth, upon any libel, complaint, action of debt or the case, instituted before them, pursuant to the statute aforesaid, for any forfeiture or penalty incurred as aforesaid, an appeal may be had to the Supreme Judicial Court, next to be holden in the County wherein judgment before the Courts of Common Pleas may be had as aforesaid.

And whereas appeals are now pending at the Supreme Judicial Court from Judgments made and passed by Courts of Common Pleas, pursuant to the statute aforesaid:

Resolved, that in such cases, the said Supreme Judicial

Court are hereby authorized, impowered and directed, to take cognizance of, and sustain said appeals, and to proceed thereon to final judgment and execution, as in other causes of which by law they now have cognizance by appeal, any law to the contrary notwithstanding.

November 17, 1786.

Chapter 113.

Chap.113 RESOLVE FOR RECEIVING SALT PETRE MANUFACTURED IN THIS COMMONWEALTH IN PAYMENT OF TAXES.

Resolved, that good merchantable Saltpetre that shall be manufactured in this Commonwealth, by any Inhabitant thereof, shall be received in payment of any of the Specie taxes granted before the year 1784, at any of the Stores, which by an Act passed the present Session are ordered to be appointed and kept, for receiving specific articles in payment for those taxes; and *two shillings and four pence* shall be allowed for every pound of such Saltpetre so manufactured, a Certificate being produced from the Selectmen of the Town, or the Committee of the Plantation where such Salt Petre was manufactured, that the same was manufactured therein.

November 17, 1786.

Chapter 114.

Chap.114 RESOLVE DIRECTING THE TREASURER TO BORROW MONEY TO PAY THE MEMBERS OF THE GENERAL COURT.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby impowered and directed, to borrow a sum not exceeding *one thousand pounds*, which he is hereby directed to pay in Proportion to the Sums due to the Members of the Hon^{ble} Councill, and of the General Court, for their travel and attendance the present Session; and the Treasurer affores^d is further directed to repay the Sum he may borrow (in pursuance of the foregoing Resolve,) out of the Money arising from the Specie part of the Tax granted in *March* last, for the use of Government.

November 17, 1786.

Chapter 115.

Chap.115 RESOLVE ON THE PETITION OF THOMAS DENNIE.

On the petition of *Thomas Dennie*, sitting forth, that he has met with misfortune in Trade whereby he is

rendered unable to pay the whole of his just debts, and his Creditors having granted him letter of Licence on his delivering to them what property remained in his hand, and generously accepted the same in full :

Resolved, That the Collector of Excise for the County of *Essex*, be, and he hereby is directed to receive of the Petitioner, *sixty five pounds*, L. M. in Government Securities, in full of the Execution S^d Collector has obtained against him, he the said *Dennie*, paying the charge that has arisen on S^d suit.

November 17, 1786.

Chapter 116.

RESOLVE ON THE PETITION OF *PAUL THURSTON* AND *SILAS RICE*. Chap.116

On the petition of *Paul Thurston* and *Silas Rice*, praying for Liberty of reentering their actions at the Court of Common Pleas in the County of *Middlesex*.

Resolved, That the petitioners notify *Silas Hodges* and *Amos Barrett*, or their attorney, *Jonathan Fay*, to shew cause, (if any they have) on the second Wednesday of the next Sitting of the General Court, why the prayer of the said petition should not be granted, by serving the S^d *Silas* and *Amos*, or their said Attorney, with an attested Copy of their petition, and this order thereon, at least fourteen Days before the s^d second Wednesday of the next setting of the General Court, And that the executions of the s^d *Silas* and *Amos*, so far as they have not been levied or extended, in the mean time, be stayed.

November 17, 1786.

Chapter 117.

RESOLVE ON THE PETITION OF THE TOWN OF *PEPPERRIL*. Chap.117

On the petition of the inhabitants of the town of *Pep-perril*, in the County of midd^l, Setting forth, That in the year 1782, Said town Chose one *Saml Gillson*, Constable, and Committed to him two assessments of Publick Taxes to Collect, to the amount of £540=11=10 and that there Still remains the sum of 270=5=11 which the Said *Gillson* has not paid into the Treasury of this Common Wealth, for which Sum the Sheriff of Said County, by Execution from Said Treasurer, apprehended the said *Gillson*, and

committed him to Goal, where he still remains unable to pay the Same; that since the Commitment of s^d *Gillson*, the Treasurer has issued his Summons to the town of *Pepperril*, by the Sheriff, requiring them to pay the afores^d Sum of *two Hundred and Seventy pounds, five Shillings and Eleven pence*, or shew Cause, why an Execution shall not be issued against the Assessors, for the Same: and the said town requesting the aid of this Court, to release them in the Premises: Therefore

Resolved, that there be allowed to the Town of *Pepperril*, six months from the first Day of *October*, 1786, to Collect and pay in the afores^d Sum of *two Hundred and Seventy pounds, five Shillings and Eleven pence*, either in money or specific articles, agreeably to an Act of the General Court, passed the present Session; and the Treasurer is hereby *ordered*, to Govern himself accordingly.

November 17, 1786.

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *WALTER M'FARLAND*, IN BEHALF OF THE TOWN OF *HOPKINTON*.

On the Petition of *Walter M'Farland*, in behalf of the Town of *Hopkinton*, praying that an Execution, now in the hands of the Sheriff of the County of *Middlesex*, Issued by the Treasurer of this Commonwealth, for a Sum of money, which he finds to be due on Treasurer *Gray's* books, for some Old Arrearages, may be Stayed, for reasons Set forth in his petition:

Resolved, that the Sheriff of the County of *Middlesex*, be, and he hereby is directed, to stay any further proceedings on the Execution issued by said Treasurer as aforesaid, until the next sitting of the Gen^l Court.

November 17, 1786.

Chapter 119.

Chap.119 RESOLVE DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF *WORCESTER*, TO REVISE THE SETTLEMENT OF THE ESTATE OF *TIMOTHY RUGGLES*, AN ABSENTEE.

On the Petition of *Artemas How*, Representing, that in the Distribution of the Estate of *Timothy Ruggles*, Esq; Late of *Hardwick*, an Absentee, Some of the Creditors Received the whole of their Claims on the Said Estate,

when it since appears, the Said Estate is Insolvent : Therefore

Resolved, that the Judge of probate for the County of *Worcester*, be, and he is hereby Authorized and Directed, to revise the Settlement and Distribution of the Said Estate, and make the true Average, and to Demand of all Creditors, who have received more than their Due proportion of the Said Estate, the Surplus So received ; and Order Distribution Agreeably to the Law in that Case made and provided.

November 17, 1786.

Chapter 120.

RESOLVE ON THE REPRESENTATION OF THE HON. *NATHAN DANE*, ESQ;—AS ONE OF THE COMMITTEE, ON THE SALE OF LANDS IN THE COUNTY OF *LINCOLN*. *Chap.120*

The Committee of both Houses, to whom was committed the Memorial of the Hon^l Mr. *Dane*, and the Account accompanying the Same, have attended that Service, and take leave to report : —

That the Accounts of Mr. *Dane*, for Moneys received, and Services performed as one of the Committee for the sale of Unappropriated Lands in the County of *Lincoln*, be referred to that Committee for examination, and to report such an allowance for his Services in said Department, as he is intitled to receive from this Commonwealth.

November 17, 1786.

Chapter 121.

RESOLVE EXTENDING THE TIME FOR ISSUING ALIAS EXECUTIONS. *Chap.121*

Resolved, that the time, in which the Treasurer of this Commonwealth, may issue alias Executions, in the usual manner, without the Special direction of the Governor and Council, against any deficient Constable or Collector, for any sum due on the first moiety of the Continental tax, or for any tax granted before that period, be, and hereby is extended to the first day of *March* next, any Resolve to the contrary notwithstanding.

November 17, 1786.

Chapter 122.

Chap.122 RESOLVE ALLOWING THE ACCOUNT OF *DAVID MOREY*, AND OTHERS.

Resolved, That there be paid out of the Public Treasury, to *David Morey*, the sum of *Four pounds seventeen shillings and two pence half penny*, in full for the service of himself and four others, in Engrossing several Bills, out of the common season for doing business.

November 17, 1786.

Chapter 123.

Chap.123 RESOLVE MAKING AN ESTABLISHMENT FOR THE COMPTROLLER GENERAL.

Resolved, That there shall be allowed to the Controller General, who may be chosen, for his Services in the Execution of the duties of his Office, *One third per Cent.* on all monies which may be paid into the Treasury of this Commonwealth, by virtue of the Laws laying duties of Impost and Excise, passed the present Session of the General Court, during the time for which he is chosen and may serve, and that the Treasurer be, and he hereby is directed to govern himself accordingly.

November 17, 1786.

Chapter 124.

Chap.124 RESOLVE GRANTING *EIGHTY POUNDS* TO MRS. *HANNAH THOMAS*, KEEPER OF THE LIGHT HOUSE, AT THE *GURNET*, AND ASSISTANTS, AND ESTABLISHING HER SALARY.

Resolved, that there be allowed and paid out of the publick Treasury of this Commonwealth, to *Hannah Thomas*, Keeper of the Light House on the *Gurnet*, at the Entrance of *Plymouth Harbour*, for herself and such Assistance as she shall procure, *Eighty pounds*, per Annum, from and after the tenth day of *September* last.

And it is further *Resolved*, that there be paid out of the publick Treasury, to the said *Hannah Thomas*, *Eighty pounds*, in full for her Service and Assistance, prior to the tenth day of *September* afores^d. November 17, 1786.

Chapter 125.

RESOLVE ON THE PETITION OF THE TOWN OF COXHALL. *Chap.125*

Whereas it Appears to this Court, from the Representation of the Inhabitants of the Town of *Coxhall*, that the Said Town were, in 1779, assessed the Sum of *one hundred and three pounds Seven Shillings and ten pence*, while the Major part of the Said Inhabitants belonged to the Town of *Sanford*, and were Taxed to that Town for their Polls and Estates. And whereas it appears, that the Said Town of *Coxhall*, have paid *fifty one pounds eleven shillings and eight pence*, in part of their Beef Taxes, although they are not Credited therefor; and it appearing reasonable that the Said Town of *Coxhall* Should be abated part of the Taxes now remaining Due :

Therefore *Resolved*, that the Said Town of *Coxhall* be Credited the aforesaid Sum of *fifty-one pounds Eleven Shillings and Eight pence*, part of their Beef Taxes, and also the other aforesaid Sum of *one hundred and three pounds Seven Shillings and ten pence*, assessed upon the Said Town, while the Major part of the Inhabitants belonged to the Town of *Sanford*, as aforesaid.

And that the said Town of *Coxhall*, be, and they hereby are Abated the residue of their Beef Taxes, being the Sum of *forty one pounds five Shillings and Eight pence*, and the Sum of *One hundred and Eighty pounds fifteen Shillings and nine pence*, out of the Other Taxes remaining Due from the Said Town; and the Treasurer is hereby Directed to Govern himself Accordingly.

November 17, 1786.

Chapter 126.

RESOLVE EMPOWERING THE GOVERNOR AND COUNCIL TO AUGMENT THE GARRISON AT CASTLE ISLAND, AS OCCASION MAY REQUIRE, AND MAKING ESTABLISHMENT FOR FIFTEEN MEN ORDERED THERE, BY THE GOVERNOR AND COUNCIL. *Chap.126*

Resolved, That his Excellency the Governour, with advice of Council, be, and He is hereby authorized to make such augmentation of men, from time to Time, at *Castle Island*, as will be necessary for Securing the Convicts, and Safety of the Garrison.

Resolved, That the fifteen men, ordered on the Garrison at *Castle Island*, be paid in the same manner, as the other men of the Garrison are, Cloathing Excepted.

November 17, 1786.

Chapter 127.

Chap.127 RESOLVE DIRECTING THE COMMISSARY GENERAL, TO CALL ON THE SELECTMEN OF THE SEVERAL TOWNS, AND OTHERS, FOR WARLIKE STORES, &c. BELONGING TO THIS COMMONWEALTH.

Whereas it is Represented to this Court, that there is Lodged in the hands of the Selectmen of the Several towns in this Commonwealth, a Number of Axes, Spades, Shovels and Pickaxes; also a Quantity of Sulpher and Niter, and a Number of Iron Cannon and Carriages, and Sundry other articles, the property of this Commonwealth, which are Deposited in Sundry places, and under no Particular Inspection of any proper officer:

Therefore *Resolved*, that the Commissary General be, and he is hereby Directed to Call on the Selectmen of the Several towns in this Commonwealth, and Such other persons as have any knowledge where any Such tools or Warlike stores, or any other articles, the property of this Commonwealth, are Deposited, to make Return to him of all Such tools, Warlike Stores and Carriages, and all other articles, the property of this Commonwealth, on or before the 20th day of *February* Next; and in any town where such tools or other articles, which have been procured, at the expence of this Commonwealth, have been sold, and the proceeds thereof, have not been paid into the Treasury, the Selectmen of such Town are hereby required, Without delay, to render to the Treasurer, an account, under Oath, of all monies received for the sale of such tools or other Articles; and that the Commissary General be Directed to make a Return of all Such articles and Stores, of every kind, as he shall come to the knowledge of, to the General Court, as soon as may be, for their further Consideration.

And be it further *Resolved*, that the Secretary be Directed to Cause this Resolve to be printed in *Adams* and *Nourse's* News paper, and Such other News papers as he Shall Judge Will Give Information to the Several towns in this Commonwealth.

November 17, 1786.

Chapter 128.

RESOLVE ALLOWING SUNDRY ACCOUNTS. (ROLL No. 1.)

Chap. 128

The Committee on Accounts, having examined the Accounts of the several Persons, whose Names are borne upon the following Roll, with the Vouchers accompanying the same, ask leave to Report as their Opinion, that there are Due to the Persons named in said Roll, the Sums set against their Names respectively, which Sums, if allowed, ought to be considered as a full Discharge of said Accounts.

JOSEPH HOSMER, per Order.

Viz. To <i>Simon Stow</i> , of <i>Marlborough</i> , Agent to y ^e Estate of <i>Henry Barnes</i> , Esqr; as appears by y ^e Account settled with y ^e Judge of Probate in that County, and two Days allowance for his Journey and Expences to <i>Boston</i> , at 7/ a day,	£.99	9	11
N. B. Said <i>Stow</i> , has in his hands 1121 dollars, Old Paper Money.			
To <i>Sarah Hill</i> , of <i>Cambridge</i> , for Boarding, &c. <i>Samuel Austin</i> , an Aged Man, and one of the poor of <i>Charlestown</i> , to the first of <i>October</i> , 1786,	34	8	6
To <i>John Smith</i> , of <i>Lexington</i> , for Boarding and Nursing <i>Sarah Fowl</i> , one of the poor of <i>Charlestown</i> , to y ^e first of <i>April</i> , 1786,	5	3	6
To the Selectmen of <i>Uxbridge</i> , for Boarding, Cloathing, &c. <i>Betty Trifle</i> , one of the State's Poor, to y ^e 26th of <i>September</i> , 1786, being Insane, and very Troublesome,	46	16	0
To the Overseers of the Poor of <i>Middleborough</i> , for Supporting <i>Christiana Grant</i> and Daughter, of the State's Poor, for Six Weeks, at 5/ a Week,	3	0	0
To the Selectmen and Overseers of the Town of <i>Charlestown</i> , for Boarding and Supplying a very large Number of the Poor of said Town, to <i>July</i> 1, 1786, as per Account,	308	7	8
To another Account from the same Persons, and for the same Purposes, to y ^e 1st of <i>Octr</i> , 1786, having deducted a Mistake in the Casting,	147	17	10
To <i>Edward Blanchard</i> , for his Service for the Commonwealth,	£.0	12	0
To the Hon ^{ble} <i>Cotton Tufts</i> , Esqr; for his Service in the last Recess of y ^e General Court, as per Account,	3	7	6
To the Selectmen of <i>Acton</i> , for Supporting <i>John Kennedy</i> , one of the State's Poor, to y ^e 13th <i>September</i> , 1786,	9	7	0
To <i>Joseph Barrett</i> , of <i>Malden</i> , for Supporting <i>Alce Woodwill</i> , one of the Poor of <i>Charlestown</i> , to the 4th of <i>Sept</i> , 1786,	15	12	0
To <i>Caleb Manning</i> , for Supporting <i>Elizth Sweetser</i> , one of the poor of <i>Charlestown</i> , to y ^e 26th of <i>Octr</i> , 1786,	13	10	0

To the Selectmen of <i>Georgetown</i> , for Supplies afforded to y ^e Commonwealth, for the use of the Army, charged in two Accounts in the Year 1781, ...	32	18	4
To <i>John Bradford</i> , of <i>Woburn</i> , for keeping <i>Mary Shute</i> , one of the State's Poor, to the 17th of <i>Sept^r</i> , 1786, ...	11	0	0
To <i>Amos Hyde</i> of <i>Newton</i> , for Boarding and Nursing <i>Thomas Lawrence</i> , one of the State's Poor, whose Circumstances were peculiarly Difficult, and who Died at his House, and was Buried, ...	4	4	0
To <i>James Kettle</i> , for Boarding <i>Sarah Call</i> , one of the poor of <i>Charlestown</i> , to <i>Nov^r</i> 8, 1786, ...	9	18	0
To <i>Josiah Bartlett's</i> acct, as a Physician for taking care of the <i>Charlestown</i> Poor, examined by Doct ^r <i>Tufts</i> , ...	26	4	2
To <i>Adams and Nourse's</i> Account, to y ^e 14th of <i>Sept^r</i> , 1786, including all Printing done by them for the Commonwealth, to this Date, ...	361	11	5
To <i>John Austin's</i> acct, one of the Poor of <i>Charlestown</i> , for himself and wife, to the 8th of <i>Nov^r</i> , 1786, one £6, and y ^e other £12, ...	18	0	0
To the Selectmen of <i>Weston</i> , for boarding <i>Joseph Breed</i> , his Wife and Daughter, poor of <i>Charlestown</i> , to <i>Nov^r</i> 4th, 1786, ...	34	6	6
To the Selectmen of <i>Mendon</i> , for Supporting <i>James Thompson</i> , <i>Elizth</i> <i>Smith</i> , and her Child, y ^e former to y ^e 1st <i>Sept^r</i> , 1786, and y ^e other to y ^e 27th <i>June</i> , 1786, ...	11	17	6
	£.1197	11	10

Read and accepted, and thereupon *Resolved*, that there be allowed and paid to the persons named in the foregoing roll, No. 1, the sums which thereon appear to be due to them respectively, amounting in the whole, to *one thousand and ninety eight pounds, one shilling and eleven pence*: and the Governor, with the advice of Council, is requested to draw his Warrant therefor.

Read and *Ordered*, That the consideration of *Simon Stow's* account, be referred to the next Session of the General Court.

November 17, 1786.

Chapter 129.

Chap.129 RESOLVE CONTINUING NAVAL OFFICERS AND COLLECTORS OF EXCISE IN OFFICE, TILL FURTHER ORDER.

Resolved, that the several Naval Officers and Collectors of Impost and excise duties, now in Office, continue to exercise the same, until others shall be appointed in their Room and stead, and the several Officers aforesaid, are hereby impowered to discharge and perform all the duties enjoined or required by Law, of Such Officers respectively, any Act or Acts passed the present Session of the General Court, to the contrary notwithstanding.

November 17, 1786.

Chapter 130.

RESOLVE DISCHARGING THE ADMINISTRATOR ON THE ESTATE OF THE LATE TREASURER *GARDINER'S* ESTATE, AND GRANTING HIM ONE THOUSAND TWO HUNDRED AND EIGHTY FOUR POUNDS, EIGHTEEN SHILLINGS AND SIX PENCE, IN FULL OF THE BALANCE OF HIS ACCOUNTS. Chap.130

Whereas by a Resolve of the General Court, passed the 23d of *March* 1786, it was Ordered, “That there be allowed and paid out of the Public Treasury of this Commonwealth, to Doct^r *Joseph Gardiner*, Administrator on the Estate of *Henry Gardiner*, esq^r late Treasurer and receiver General of this Commonwealth, the sum of *two thousand five hundred and twelve pounds, one shilling and eight pence one farthing*, in full discharge of all demands of the said Administrator, in his capacity, against this Commonwealth, for salary and all disbursements, including the sum of *twelve hundred pounds*, on account of *John Furness*, esq^r late principal Clerk in the Office of the said late Treasurer: And that a further sum of *Five hundred and eighteen pounds, three shillings and six pence*, be allowed and paid out of the said Treasury, to the said Administrator, in full for the interest for the first aforementioned sum, from the eighth day of *October*, 1782, to the sixteenth of *March*, 1786;” and by the aforesaid Resolve, it was provided, that one half of the aforesaid sums should remain in the Treasury of this Commonwealth, six months after passing the said Resolve, as a security against any demands that might be made for monies due on Rolls, due-bills, or any other Account whatever, or securities which the said Treasurer or the said *Furness* received; or for which the said Treasurer has been credited, and which have not been accounted for: And whereas the aforesaid term of six months has expired, several months since, and all the due-bills and other demands that have been exhibited to the Treasurer for payment, amount in the whole to the sum of *Two hundred and thirty pounds, four shillings and one penny*, only; so that it appears there is a balance still due to the said Administrator, of the sum of *twelve hundred and eighty four pounds, eighteen shillings and six pence*.

Therefore *Resolved*, that there be allowed and paid out of the public Treasury of this Commonwealth, to the aforesaid Administrator, the aforesaid sum of *Twelve hundred*

and eighty four pounds eighteen shillings and six pence, in full discharge of the balance aforesaid.

And whereas by a paragraph of the aforerecited Resolve, it is provided, that the said Administrator is holden to repay to the Treasurer of this Commonwealth, all such sums of money as shall appear to be due on any demands which should be exhibited any time hereafter — which appears to be unreasonable :

Therefore *Resolved*, that the said Administrator be, and he hereby is discharged from any further demands of this Commonwealth, in his said capacity, the said Resolve of the 23d of *March* 1786, notwithstanding.

November 17, 1786.

Chapter 131.

Chap.131 RESOLVE REQUESTING THE GOVERNOR AND COUNCIL, TO ORDER THE SECRETARY TO PUBLISH SUCH ACTS AND RESOLVES OF THE PRESENT SESSION, AS THEY SHALL THINK NECESSARY.

Resolved, that his Excellency the Governor be, and he is hereby requested, to give orders To the Secretary, to publish in some of the News Papers, Such Acts and Resolves of the General Court, as he with Advice of Council, shall Think Necessary for the information of the People.

November 17, 1786.

Chapter 132.

Chap.132 REPORT OF THE COMMITTEE FOR ENCOURAGEMENT OF MANUFACTURES, &c. IN THIS COMMONWEALTH.

The Committee of both Houses, appointed to consider what further Measures are necessary to be taken, to encourage our own Manufactures, and discourage the Use of imported Articles of Luxury, have taken the Subject under Consideration, and from a View of our unhappy State and Circumstances, are constrained to observe, That a Remissness and Inattention to the fundamental Principles, on which the Wealth, Happiness, and Prosperity of a People depend, have in a greater or less Degree pervaded the Community, and produced Evils that now threaten us with Ruin.

Our Ancestors, who settled this fertile Country, (from which the Materials for Trade and Commerce, the means of Defence, and of the Necessaries, and Conveniences of

Life, may be amply furnished) derived their Birth and Language from a Nation, whose Religion they imbibed, whose Laws were interwoven with their own, and to whose Government they, and their Descendants were for a long Time subject; from whence Affection and Veneration ensued, naturally leading to an Adoption of their Prejudices, Passions and Manners.

From a constant commercial Intercourse with that Nation, and an extensive credit given by her merchants, to multitudes here, by means of which Debts to an enormous Amount have arisen,—an unrestrained Use of her Superfluities and Luxuries, with a Neglect and Contempt of our own Manufactures and Productions, with which it has been her Interest to inspire us, have unhappily followed: these have been accompanied with a Declension of manners, and an Imitation of her Extravagances, Follies and Vices, all which have produced a *Dependence of mind*, that has, to the no small Injury of our Manufactures, Commerce, and political Interests, survived even the Dissolution of our civil Connection.

The seeds of Luxury, which had sprung up before the late Revolution, altho' at its Beginning, and for some Time after, they received a Check from the virtuous Resolutions of the People, yet too soon they revived and acquired new Vigour,—An immense Quantity of Paper Money coming into circulation, and constantly sinking in its Value, proved a strong Temptation to its Possessors, to part with it for any Thing, even for Luxuries, joined with a Profusion of luxurious Articles introduced by numerous Captives in the late War, contributed greatly to produce a stile of Dress and Living, unknown to our Ancestors, and otherwise hardly to be accounted for in a State of War. A vitiated Taste acquired, found on the Arrival of Peace, full scope for Indulgence: New Modes, Fashions, and Articles of Luxury, poured in from foreign Nations: an Enthusiasm for these prevailed, and the Contagion at length became general.

If at this Time the Country abounded in Specie, to an Amount unknown in any Period before, the Amount also of its Debt contracted in the late War, and that of Individuals, was greater than at any Period before; these called for Economy and the Application of the Specie, to the Discharge of them; but the predominant Passion for Shew and Luxury, overleaped the Bounds of Temper-

ance and Moderation, and stifled the Voice of Justice : — The Specie could no longer be confined, it broke from its Enclosure, and fled into distant Lands ; from whence We can never expect its Return, but by adopting and persevering in a System, the reverse of that we have pursued : and We are left to lament the Loss of our Reputation, of public and private Credit, of an Ability to discharge public and private Contracts, and to suffer a Train of Evils, the woeful effects of a Remissness and Inattention to, or Departure from the great Principles that tend to the Glory and Happiness of a People.

From all which it appears, that We have this Alternative before us, — to submit to Ruin inevitable ; or resolve on a Reformation immediate and universal.

Your Committee are therefore of opinion, that it is highly important, That the General Court should make a serious and determined Exertion, by Example and Advice, to inspire a due Regard to our own Manufactures ; to the Fruits of our own Industry, and the Efforts of our own Genius, and at the same Time to discourage the Importation and use of foreign Superfluities ; and all Articles that tend to an Excess in our Expences, or interfere with our national Interest, or the particular Interest of this Commonwealth, and at the same Time earnestly to recommend to the People at large, including all Orders, Ages, Sexes, and Conditions, to give substantial evidence of Friendship to their Country, by uniting in so necessary an exertion.

Read and accepted.

November 17, 1786.

Chapter 133.

Chap.133 RESOLVE DIRECTING THE TREASURER TO BORROW MONEY, FOR THE DELEGATES APPOINTED TO REPRESENT THIS STATE IN CONGRESS, THE PRESENT YEAR.

Resolved, that the Treasurer of this Commonwealth, be, and he hereby is directed to borrow a sum, not exceeding *Two Thousand pounds*, for the purpose of paying the Delegates, who represented this State in Congress, for their Services the year past, and to enable him to make such Advances as are directed to be made to the Delegates in Congress, the current year, and to repay the same out of the first Monies which may come into the Treasury, from the specie part of the Tax granted in *March* last, and

appropriated for the defraying the necessary Expences of Government not already engaged, and out of the third part of the Revenue, which may arise from the duties of Impost and Excise, by Virtue of the Acts passed the present Session, and is reserved for the disposal of Government.

November 17, 1786.

Chapter 134.

RESOLVE ON THE PETITION OF *GARDNER GRAY*.

Chap. 134

On the Petition of *Gardner Gray*, setting forth that he is now under Sentence of Death, for the crime of Burglary; and praying that his punishment may be Commuted, as this is the first offence he has ever been Charged with:

Whereas it appears to this Court, that the Said *Gardner Gray*, prior to his Committing the Crime aforesaid, had been distinguished for the Sobriety of his manners and Exemplary Conduct, and had in no instance discovered a mind so abandoned to vice as to render his Punishment by death, necessary for the safety of the Community: And whereas it is a dictate of Justice as well as of good policy to make distinctions between offenders, agreeably to the degree of their guilt, and to Extend mercy to young persons, who are not so totally depraved as to become incorrigible:

Therefore *Resolved*, that the punishment of the said *Gardner Gray*, be, and it is hereby Commuted; and that instead of his being punished with death, conformably to the sentence pronounced against him, he be Confined to hard Labour on *Castle Island*, for the space of three years; and that his Excellency the Governor, be, and he is hereby authorized, by and with the advice and Consent of Council, to revoke and nullify the Warrant for the Execution of the said *Gardner Gray*, and to Issue a Warrant directed to the Several Sheriffs of the Counties of *Bristol* and *Suffolk*, to remove the said *Gardner Gray* to *Castle Island*, as aforesaid.

And it is further *Resolved*, that if the said *Gardner Gray*, shall Escape from his Confinement on *Castle Island*, within the said term of three years, and be afterwards apprehended, he shall Suffer death agreeably to the Sentence aforesaid.

November 17, 1786.

Chapter 135.

*Chap.*135 RESOLVE CONFIRMING A GRANT OF LAND TO DAVID MARSH AND OTHERS, CONDITIONALLY.

The Committee on the subject of unappropriated lands in the County of *Lincoln*, when they made their Report on the 17th of *March*, 1785, on the petition of *Enoch Bartlet* and others, praying for the confirmation of six Townships, lying between *Penobscot River*, and *Union River*, which were conditionally granted to *David Marsh* and others, on the Second day of *March*, 1762, omitted to report respecting the Township No. 3, commonly called *Majabigwaduce*, for reasons therein set forth; but having since examined into the state of the said Township, so far as circumstances would permit, now take leave to report,

That in their opinion, it will be expedient to confirm to the said *Marsh* and others, the said Township, No. 3, on the conditions contained in the following Articles :

First, That the proprietors heretofore known, as proprietors of the said Township, or as holding under *David Marsh* and others, do grant, allot and meet out one hundred acres of land, unto each settler on the said Township, his heirs or assigns, who before the first day of *January*, 1784, settled thereon, and made seperate improvement, — the same to be laid out in one lot, in such manner, as best to include his improvements. And where any original Settler has sold, or otherwise disposed of his improvements to any other person; the purchaser of such improvements, his heirs and assigns, shall hold the same lands, which such original settler would have held, by virtue of this Article, if there had been no such sale or disposition.

Secondly, That in like manner, there be allotted and meeted out unto each proprietor, his heirs or assigns, who before the first day of *January*, 1784, settled thereon, and made a seperate improvement, two hundred acres of land, one hundred acres of which to be in consideration of his being a Settler; the same to be laid out in such manner, as best to include his improvements.

Thirdly, That in the said Township, there be allotted, reserved and appropriated four lots of land of three hundred acres each, in situation and quality equal in general to the lots in the division, for the following purposes, *viz.* One lot for the first settled minister, his heirs and assigns;

one for the use of the ministry ; one to, and for the future appropriation of Government ; and one for the use of a School forever.

Fourthly, That each settler mentioned in article first, his heirs or assigns, (who has not already done it,) shall within five years, build a House, not less than eighteen feet square, and seven feet stud ; and clear, and cultivate five acres of land fit for mowing or tillage, and pay within six months, into the treasury of the propriety of the said Township, *thirty shillings*, to be appropriated to defray the expence of surveying and dividing the said Township, and laying out, clearing and repairing of roads within the same.

Fifthly, That where a settler has made improvement, by clearing or inclosing with a good fence, more than one hundred acres, he shall have the liberty to purchase the lands so improved, at a reasonable price ; estimating the same, as if in a state of nature ; or to receive of the proprietor or proprietors of such land, a reasonable allowance for extra improvements, at the settler's election : and in case of any disagreement about the said price, or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of whom shall be chosen by the proprietor or proprietors, one by the settler, (and in case they cannot agree) the third by the two chosen as aforesaid.

Sixthly, That after the allotments to the settlers, resident proprietors, and for public uses, are made as aforementioned, the residue and remainder of the said lands shall be divided to, and among the proprietors heretofore known as the proprietors of the said Township, or as holding under *David Marsh* and others, to whom the said Township was conditionally granted, their heirs or assigns, in proportion to the respective shares or rights, held in the original division of the said Town.

Seventhly, That the division and allotments in the said Township, be made conformably to the foregoing articles, within the space of twelve months from this time, and a return thereof be made, on or before the expiration of the said term of time, to the Committee on the subject of unappropriated lands in the County of *Lincoln*, specifying and describing therein the lots, — number of each, names of the persons to whom allotted, and those for public uses, under their particular heads. And if it shall appear by

the said return, that a quantity of land exceeding six thousand acres, has been allotted, meeted and assigned by the said proprietors, to that class of settlers included in article first, and by Virtue of the same, in manner aforesaid, — then there shall be granted and conveyed to the said proprietors, their heirs and assigns, in some part of the Township *number seven*, in the first division of Townships, east of *Penobscot River*, adjoining southerly on the Township *Number Six*, of the same division in part, and partly on Township *Number one* of the second division of Townships, and lying on both sides of *Union River*, so many acres, as shall be equal to the quantity of Land above six thousand acres, which shall be allotted and assigned to the settlers as aforesaid.

Eighthly, If no return be made to the said Committee, as required in the preceding article, the said Committee shall appoint, and they are hereby accordingly impowered, to appoint three disinterested persons, as Commissioners to repair to the said Township, to make the division and return required, and allot and divide the same, conformably to the Articles 1. 2 and 3. and make return thereof to the said Committee, conformably to the seventh article; and the said Commissioners shall, six weeks at least before they proceed on the said business, give public notice, in *Adams and Nourse's Independent Chronicle*, the *Portland News-paper*, and by a written notification, posted up in some convenient place in the said Township, of their appointment, and of the time when they shall proceed on the said business, that all persons interested therein, may be apprized thereof: and the lots the said Commissioners shall lay out to the resident proprietors and settlers, as provided for in Articles first and second, shall be confirmed unto them, and the remaining lots shall be subject to the order and disposal of the General Court: and the expence arising from the said appointment of Commissioners, shall be defrayed by the resident proprietors and settlers of the said Township, provided they have prevented or obstructed the division as provided for in Articles second, third and sixth; otherwise, so much of the remainder of the lands (after allotments and divisions made to the resident proprietors, settlers, and for public uses as aforesaid) shall be sold by the said Committee, as shall be sufficient to defray the said expence.

Ninthly, That notwithstanding the conditions and regu-

lations contained in the foregoing Articles, if the proprietors and settlers of the said Township, shall agree among themselves, and settle all matters in dispute, relating to the quantities of land respectively, to be held and retained by them, and such other matters and things, as immediately respect the settlement of the said lands, and make a report of the same to the said Committee, within six months from this time, with the names of the settlers and proprietors, resident and non-resident, the quantity allotted to each, and the right reserved for public uses, conformably to Article third, in such case the said Committee shall have full authority to confirm the said Township: but in case no report shall be made as aforesaid, to the said Committee, nor return as in the seventh article is required, the said Committee shall appoint Commissioners, as provided for in the eighth article (twelve months having been expired, as mentioned in the said seventh article) who shall proceed on their business as pointed out in the said eighth article.

Tenthly, It shall be understood, notwithstanding any thing contained in the foregoing articles, that the final confirmation of the said Township, shall not be made until there be in the said Town, sixty dwelling houses, not less than eighteen feet square, and seven feet stud; sixty Protestant families, and also five acres of land cleared on each share, fit for mowing and tillage; also a meeting house for the Public worship of God, — and until the proprietors and settlers of the said Township, shall have settled a learned and Protestant minister; — and provided for his comfortable support, — for which purposes, five years shall be allowed.

SAML. PHILLIPS, jun.	} Committee.
NATHL. WELLS,	
J. BROOKS,	

Boston, November 4, 1786.

Read and accepted, and thereupon *Resolved*, that the Township No. 3, commonly called *Majorbigwaduce*, conditionally granted to *David Marsh* and others, on the second of *March*, One thousand seven hundred and sixty two, be, and it is hereby confirmed to the said *Marsh* and others, on the Conditions, and with the Reservations which in the foregoing report are specified.

November 17, 1786.

Chapter 136.

Chap.136 RESOLVE ON THE PETITION OF JOHN LANE, AND JOSEPH HENDERSON.

Whereas a certain House and Land in Marlborough Street, in *Boston*, now in the occupation of *John Deming*, and a tract of Land lying in the Town of *Walpole*, containing about fourteen Acres, appear by the Records in Register's Office for the County of *Suffolk*, to be the property of *John Erving*, late of *Boston*, an absentee, whose real Estate in this State is confiscated by an Act of the General Court, passed the 30th Day of *April* 1779, but by an Instrument signed by said *Erving*, dated 29th *June* 1771, it appears that the said *Erving*, held said House and Land, with other Real Estate therein expressed, in trust for *Thomas Lane*, *John Lane* and *Thomas Frazier*, who were interested in said Estate, *four hundred and seventy five pounds, 15 /* ; and for *Henderson Inches*, agent for *John Henderson*, who was interested in said Estate, *Seventy two pounds, 12 / 8* ; and he the said *Erving*, being interested in the same Estate, *one hundred and twenty five pounds, 15 / .*, each of the Parties intituled to their proportion of the incomes from said Estate, and the Net proceeds of the sales, whenever the same should be sold :

Therefore *Resolved*, That the Committee for selling Absentees Estates, in the County of *Suffolk*, be, and they are hereby authorized and Directed, to make sale of the said House and Land, in *Boston*, and *Walpole*, at Public Auction, for Specie only, on or before the first day of *Dec^r* next, and pay to the said *John Lane*, in behalf of himself and *Thomas Frazier*, surviving partner of *Thomas Lane*; and to *Joseph Henderson*, in behalf of himself and sisters, Heirs of the said *John Henderson*, Deceased, in the proportion aforementioned, And the residue into the Treasury of this Commonwealth, for the use of Government.

November 17, 1786.

Chapter 137.

Chap.137 RESOLVE ADJOURNING THE COURTS OF GENERAL SESSIONS AND COURT OF COMMON PLEAS FOR THE COUNTY OF *BRISTOL*.

Whereas the Courts of Common Pleas and General Sessions of the Peace, holden at *Taunton*, within and for the County of *Bristol*, on the second Tuesday of *September*

last, now stands adjourned to the second Tuesday of *December* next, — and Thursday in the same week, is appointed to be observed as a day of Thanksgiving, which will render it inconvenient for the Justices of the same Courts, and all others concerned therein, to attend the same Courts at the time to which they stand adjourned.

Resolved, That the same Court of General Sessions of the Peace, and all matters and things now pending, or that may be pending therein, be, and hereby are adjourned unto the Third Tuesday of the same month of *December*, then to be held at *Taunton*, within, and for the County of *Bristol*.

And it is further *Resolved*, That all matters and things now pending in the said Court of Common Pleas, be, and hereby are continued to the Court of Common Pleas, to be holden at *Taunton*, within and for the County of *Bristol*, on the Third Tuesday of the same month of *December*, and may be taken up, and proceeded upon, at the same Court, in the same manner as tho the same had been continued to that time, by order of the Justices of the same Court; and that all Complaints for not prosecuting appeals, which might be entered at the said Court of Common Pleas, adjourned to the second Tuesday of *December* as aforesaid, may be entered and proceeded upon at the said Court of Common Pleas, to be holden on the Third Tuesday of *December*, as aforesaid, in the same manner as tho the appeals had been made to the same Court; and the said Court of Common Pleas, that stands adjourned to the second Tuesday of *December* next, is hereby adjourned without day. — Of all which, Jurors, parties, witnesses, and all others interested or concerned, are to take notice, and govern themselves accordingly.

November 17, 1786.

Chapter 138.

RESOLVE ON THE PETITION OF ABRAHAM PEASE.

Chap. 138

On the petition of *George Thatcher*, Attorney to *Abraham Pease*, setting forth, that an action against said *Pease*, in favour of *Jonathan Parker*, jun. pending at the Court of Common Pleas, holden at *York*, in and for the county of *York*, in *July* last past, was by the petitioner's mistake, defaulted, whereby the said *Pease*, has been deprived of a tryal at law which he intended, and is thereby

unjustly held to pay a large sum of money, and praying that he might be restored to his law :

Resolved, that the prayer of the petition be so far granted, that the said *Pease*, give to the said *Parker*, notice of his petition aforesaid, that the said *Parker*, may appear on the second Wednesday of the next Sessions of the General Court, and shew cause, (if any he has) why the prayer of it should not be granted, and in the mean time, that the judgment recovered upon the default of said *Pease*, be suspended, and no execution issue thereon : And

Resolved further, That the said *Parker*, be notified by the said *Pease*, by serving him with an attested copy of his petition, and this order thereon, fourteen days before the aforesaid second Wednesday of the next Sessions of the General Court.

November 17, 1786.

Chapter 139.

Chap.139

RESOLVE ON THE PETITION OF *JOSEPH DANE*.

On the Petition of *Joseph Dane*, now kept in Goal for debt, after having taken the Oath provided by law, praying that he may receive the sum or sums his Creditor pays to the Goal Keeper for his support, that he may therewith support himself :

Resolved, That the sum or sums which the law provides to be paid to the Goal Keeper by Creditors, for the support of any poor prisoner, whom they shall cause to be detained in Goal, after they have taken the Oath agreeably to law, shall be paid to the prisoner himself for his support, if he shall Request it ; any law to the Contrary Notwithstanding.

November 17, 1786.

Chapter 140.

Chap.140

RESOLVE DIRECTING THE SECRETARY TO HAVE PRINTED, THE MILITIA LAWS AND THE REGULATIONS FOR THE MILITIA, AND DIRECTIONS TO THE ADJUTANT GENERAL, RELATIVE TO THE DISPOSITION OF THEM, &c.

Whereas it is of importance that the officers of the militia of this Commonwealth should have the means of acquainting themselves with their duty ; and whereas for this purpose, it is essential that they be furnished with the militia Laws, and the regulations for the order and discipline of the militia :

Resolved, That there be immediately printed, at the expence of this Commonwealth, such a number of the said militia Laws and regulations, for the order and discipline of the militia, as will be sufficient to furnish every General Officer of said militia, with one sett of each; the Deputy Adjutant Generals with one sett; the Brigade Majors with one sett; the field officers of Regt^s and Captains of Companies with one sett; and the Adjutants of Regiments with one sett of each.

Resolved, that when said Laws and regulations, shall be published, they shall be delivered to the Adjutant General, and distributed thro the channel of his department, to the several officers who are by this resolve, entitled to receive them: And every officer who shall receive a sett of the said Laws and regulations, shall give a receipt therefor, and shall be obliged to transfer the same to his successor in office.

Resolved, That the Adjutant General be, and he hereby is empowered, to procure at the expence of this Commonwealth, a suitable number of orderly books, and Blank returns, and furnish the respective Divisions, Brigades, Regiments and Companies of the Militia, with the same, so far as shall be necessary for the regularly distributing and registering General and regimental orders, and for the making of returns.

And the Secretary is hereby directed, to cause the said Laws to be printed upon the best terms he can, provided the printers of the General Court, shall not be able to perform that business.

November 17, 1786.

Chapter 141.

RESOLVE ON THE PETITION OF JOSEPH BOYD, GRANTING HIM EIGHTY-ONE POUNDS EIGHTEEN SHILLINGS AND ONE PENNY.

Chap.141

On the petition of *Joseph Boyd*, praying for an allowance for twelve oxen, and certain expences, &c.

Resolved, That the prayer of said Petition be so far granted, that there be allowed and paid out of the Publick Treasury of this Commonwealth, the sum of *Eighty one pounds* 18/1, to the said *Joseph Boyd*, being the Amount of the ballance due to him, for Twelve Oxen delivered to *Samuel Brown*, in *July 1779*, by order of Gen. *Lovell*, for the use of the troops under his command, in the expedition against *Penobscot*, and in full for all his expences and demands.

November 18, 1786.

Chapter 142.

Chap.142 RESOLVE ON THE PETITION OF A NUMBER OF PROPRIETORS OF THE TOWN OF WASHINGTON, GRANTING THEM *THIRTY FOUR POUNDS SIXTEEN SHILLINGS*.

On the petition of a Number of the Proprietors of the Town of *Washington*:

Resolved, that there be paid out of the Public Treasury of this Commonwealth, to the Proprietors of the said Town of *Washington*, the sum of *thirty four pounds sixteen shillings*, being the amount of outstanding Taxes, assessed upon Sundry Lots of land, which belonged to *John Murray*, a Conspirator, and have been sold for the use of this Commonwealth.

November 18, 1786.

Chapter 143.

Chap.143 ACCOUNTS, ROLL No. 2, WITH RESOLVE TO PAY SUNDRY ACCOUNTS.

The Committee of Both Houses, Appointed to Examine Accounts, ask leave to Report the following Roll, being No. 2, which if allowed, will be in full Discharge of Said Accounts.

JOSEPH HOSMER, per order.

Viz. to <i>John W. Folsom</i> , for Printing by Order of the			
Secretary, as per acct., ...	£.17	18	0
to <i>Edes and Sons</i> , for D ^c , ...	30	5	2
to <i>Edward E. Powers</i> , for D ^c , ...	62	3	4
to <i>Tho^s Downe</i> , for mending the Chairs for the Senate			
Chamber, as per acc ^t , ...	1	19	6
	£.112	6	0

Read and accepted, and thereupon

Resolved, that the Governor with the advice of Council, be, and hereby is requested, to issue his Warrant on the Treasury, for the payment of the sums mentioned in the above Roll, to the persons to whom they are severally due.

November 18, 1786.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

TOGETHER WITH THE SPEECH AND MESSAGES OF HIS EX-
CELLENCY THE GOVERNOUR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE 31ST DAY OF *MAY*, *ANNO DOMINI*,
1786; AND FROM THENCE CONTINUED BY PROROGATION AND
ADJOURNMENT, TO WEDNESDAY THE THIRTY-FIRST DAY OF
JANUARY, 1787.

Chapter 1.*

[January Session, ch. 1, 1786.]

Chap. 1

Chapter 2.*

[January Session, ch. 2, 1786.]

Chap. 2

Chapter 3.*

[January Session, ch. 3, 1786.]

Chap. 3

Chapter 4.

RESOLVE APPROVING GENERAL *LINCOLN'S* CONDUCT IN HIS
OVERTURES OF RECOMMENDING CERTAIN DESCRIPTIONS OF
INSURGENTS TO THE CLEMENCY OF GOVERNMENT, AND
AUTHORIZING THE GOVERNOR TO PROMISE A PARDON UNDER
SUCH DISQUALIFICATIONS AS MAY HEREAFTER BE PROVIDED.

Chap. 4

Whereas many persons who now are, or have been in
arms against the Government, may not have considered
the evil nature and tendency of their crime, and might not

* Governor's message, see end of volume.

have been apprized that an opposition to the legal authority of the State, with force of arms, is treason and rebellion : And whereas General *Lincoln*, has given to a particular description of the Insurgents, his assurances of recommending them to the clemency of Government on certain conditions therein mentioned.

Resolved, that this Court approve of General *Lincoln's* Conduct in his Overtures of recommending certain descriptions of Insurgents to the Clemency of Government, and that the Governor be, & he hereby is authorized & empowered, in the name of the General Court, to promise a pardon under such disqualifications as may hereafter be provided, to such private soldiers, and others who act in the Capacity of Non Commissioned Officers, as have been, or now are in Arms against the Commonwealth, with such exceptions as he, or the General Officer Commanding the troops, may judge necessary ; provided they shall deliver up their Arms, & take & subscribe the Oath of Allegiance to this Commonwealth, within such time as shall or may be limited by his Excellency for that purpose.

February 4, 1787.

Chapter 5.

Chap. 5 GENERAL COURT'S DECLARATION, THAT A HORRID AND UNNATURAL REBELLION EXISTS WITHIN THIS COMMONWEALTH.

Commonwealth of *Massachusetts*.

Whereas the doings of the General Court at their last session, relative to the Insurgents against the Government and Authority of the State, in several Counties within this Commonwealth, were lenient and merciful, were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce.

And Whereas every complaint of Grievance was carefully attended to with a disposition to grant all that relief which could be afforded consistent with equal justice, and the dignity of Government ; and the General Court, so far as they were able, adopted measures accordingly ; and gave full and clear information to the Insurgents, as well as others, of the general situation of public Affairs. And Whereas a full and free pardon for all the outrageous proceedings against the Government, whereof the Insurgents had been guilty, was tendered them, upon this mild con-

dition *alone*, that they should be guilty of such outrages no more ; and as evidence of their intentions, to demean themselves in future, as good and faithful Citizens, should before the first day of *January, A.D. 1787*, take and subscribe the oath of Allegiance ; it manifestly appears, from the subsequent conduct of the leaders of the Insurgents, that their opposition to Government has not arisen from a misapprehension, as to the views and disposition of Government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted ; but from a settled determination to subvert the Constitution and put an end to the Government of this Commonwealth ; it is also abundantly manifest, that the conduct of the Insurgents, in stopping the Courts of Justice in the Counties of *Worcester* and *Hampshire*, — in assembling in Arms avowedly to commit the same outrages in the County of *Middlesex* — in calling upon the Towns in some Counties, to furnish themselves with Arms and ammunition — in appointing Committees to form their adherents into regular military Companies, properly Officered ; thereby to establish within this Commonwealth, a Standing force, beyond the controul of, and for the express purpose of opposing in arms, the Constitutional government of the State — in endeavouring to encrease the Commotions in the Counties aforesaid, by publicly inviting and alluring others to throw off their allegiance, and join their body, is subversive of all order and government, absolutely incompatible with the public safety and happiness ; And is an open, unnatural, unprovoked and wicked Rebellion, against the dignity, authority and government of this Commonwealth : And the Legislature, in duty to their Constituents, in conformity to their oaths, And by virtue of the authority vested in them by the Constitution, (having ineffectually tryed every lenient measure to reclaim them) do hereby solemnly declare, *that a horrid and unnatural REBELLION and WAR*, has been openly and traiterously raised and levied against this Commonwealth, and is still continued, and now exists within the same, with design to subvert and overthrow the Constitution and form of Government thereof, which has been most solemnly agreed to, and established by the Citizens of this Commonwealth ; And that Government ought, and will, with the greatest energy and force, exert

and bring forth, all the power of the Commonwealth for the suppression thereof: and all the horrors and evils, that may follow in consequence of this Rebellion, must be imputed to those men, who have, contrary to the duty of their allegiance, and every principle of law and Justice, been the fomenters, abettors and supporters of the same.

February 4, 1787.

Chapter 6.

Chap. 6 AN ADDRESS OF THE GENERAL COURT, TO HIS EXCELLENCY THE GOVERNOR.

To his Excellency JAMES BOWDOIN, Esquire, Governor of the Commonwealth of *Massachusetts*.

May it please your Excellency,

The Senate & House of Representatives, in General Court assembled, have read and duly attended to your Speech at the opening of this Session, & take this earliest opportunity to express their entire satisfaction in the measures you have been pleased to take, pursuant to the powers vested in you by the Constitution, for the subduing a turbulent spirit, which has too long insulted the Government of this Commonwealth; prostrated the Courts of Law & Justice in divers Counties, & threatened even the overthrow of the Constitution itself. The General Court congratulate your Excellency on the success with which Providence has been pleased hitherto to bless the wise, spirited & prudent measures which you have taken; and they earnestly entreat your Excellency, still to encounter, repel, and resist, by all fitting ways, enterprises and means, all & every such person & persons as attempt or enterprise, in a hostile manner, the destruction, detriment or annoyance of this Commonwealth; and to pursue such further Constitutional measures as you may think necessary for extirpating the spirit of rebellion; quieting the minds of the good people of the Commonwealth; & establishing the just authority & dignity of Government. And in order that your Excellency may be possessed of the *full* power of the Constitution, to effect these great purposes, the General Court have thought it highly necessary, after a mature deliberation, to declare that a rebellion exists within this Commonwealth.

This Court are fully persuaded, that by far the greater

part of the Citizens of this Commonwealth are warmly attached to our present happy Constitution : They have a high sense of the merit of a respectable body of the Militia, who have with readiness attended your Excellency's orders on this pressing emergency, as well as of the patriotic zeal of a number of private Citizens, who have cheerfully advanced their money in aid to Government : and you may be assured, Sir, that the most speedy and effectual means will be used for the payment of the Officers & Soldiers, who have been, or may be employed in this necessary & most important service ; & for the reimbursement of the monies generously advanced for its support.

It is to be expected, that Vigour, Decision & Energy, under the direction & Blessing of Heaven, will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences, to be dreaded from a civil war ; and it is the determination of this Court to establish a criterion for discriminating between good Citizens & others, that each may be regarded according to their Characters & deserts.

If it should appear to your Excellency, that the time for which the Militia under the Command of Major General *Lincoln*, are enlisted, is too short to effect the great objects in view, it is the request of this Court, that you would be pleased to direct the Commanding General, to reinlist the same men, or inlist others, for such further time as you may think necessary, or to replace them by Detachments from the Militia ; and, if you shall think it expedient, to Increase their numbers, and continue them in service until those purposes shall be compleatly accomplished.

The General Court will give the most ready attention to your Message of the third instant, and every other Communication you shall be pleased to lay before them. They will vigorously pursue every measure that may be calculated to support the Constitution, & will still continue to redress any real grievances, if such shall be found to exist — humbly beseeching Almighty God to preserve Union & Harmony among the several powers of Government, as well as among the honest & virtuous Citizens of the Commonwealth, & to restore to us, the inestimable blessings of peace and liberty, under a wise & righteous administration of Government.

In Senate, Feb^y 4th, 1787.

Read & unanimously accepted — & *Ordered*, that *Saml Adams, Caleb Strong & Seth Washburne*, Esq^{rs}, with such as the Hon^{ble} House may join, be a Committee to wait upon his Excellency the Governor with the aforegoing address.

Sent down for concurrence.

SAML PHILLIPS, junr. Presidt.

In the House of Representatives, Feb. 4, 1787.

Read and concurred, & Mr. *Shepard*, Mr. *Brooks*, Mr. *Bickford*, & Mr. *Davis*, are joined.

ARTEMAS WARD, Speaker.

February 4, 1787.

Chapter 7.

Chap. 7 RESOLVE FOR ADJOURNING THE COURTS IN THE COUNTY OF HAMPSHIRE, TO THE FIRST TUESDAY IN MARCH.

Whereas divers actions commenced in the County of *Hampshire*, and returnable at the Court of Common Pleas holden at *Northampton*, on the last Tuesday of *August* last, and at the Court which by Law was to have been holden by Adjournment at *Springfield*, on the fourth Tuesday of *December* last, by Reason of the Commotions in the said County, were not entered in the same Court: Therefore,

Resolved that all Writs and Processes which were made returnable, and all appeals made to the said Court of Common Pleas in *August* afores^d, or on the said fourth Tuesday of *December*, by Adjournment as afores^d, may be entered at the Court of Common Pleas which shall next be holden in said County, and the Justices of the same Court, are hereby authorized to proceed upon & render Judgment on such Actions and Appeals, which shall be of the same Validity & have the same Effect, as if such Actions or Appeals had been entered at the said Term in *August*, or at the Court to have been holden on the said fourth Tuesday of *December* by Adjournment as afores^d; and all Recognizances taken in the Court of General Sessions of the Peace in said County, on the Third Tuesday of *May* last, or which were by Law returnable to the same Court on the said last Tuesday of *August*, or on

the said fourth Tuesday of *December*, shall be proceeded upon, at the next Court of General Sessions of the Peace, which shall be holden in the same County, as they might have been on the said last Tuesday of *August*, or the said fourth Tuesday of *December*, if no Interruption to the said Court had taken Place.

And whereas by Reason of the present Session of the General Court, it is expedient to adjourn the Courts of Common Pleas and General Sessions of the Peace by Law to be holden at *Northampton*, in and for the County of *Hampshire* on the second Tuesday of *February*, instant :

Resolved that the said Courts of Common Pleas, and General Sessions of the Peace, be, & the same are hereby adjourned to the first Tuesday of *March* next, then to be holden at *Northampton* afores^d, and all Writs, Processes, & Recognizances which are or may be returnable to the said Court of Common Pleas, or Court of General Sessions of the Peace, shall be returnable to, have day and be triable on the said first Tuesday of *March*, in like manner as they might or could have been, if the same Courts had been holden on the second Tuesday of *February* afores^d.

And whereas on the fourth Tuesday of *December* last, to which time the Courts of General Sessions of the Peace & the Court of Common Pleas for the said County were adjourned, the Justices of the same Courts were forcibly prevented from opening the said Courts, by Reason whereof the Actions & Processes depending in the same Courts were discontinued : therefore

Resolved that all Actions & Processes which were continued in the same Courts at their term on the last Tuesday of *August* last, or were by Law triable on the said fourth Tuesday of *December*, be, & they hereby are continued, & shall have day and be triable in the said Courts on the said first Tuesday of *March*, in the same manner as they might or could have been, on the said fourth Tuesday of *December*, if no interruption to the said Courts had then taken place.

And be it further Resolved that the Justices of the Court of General Sessions of the Peace for the said County, on the said first Tuesday of *March* next, be & they hereby are authorized and impowered to grant Licences to Innkeepers and Retailers of spirituous Liquors, in the same manner as by Law they were authorized to

grant such Licences on the last Tuesday of *August* last, any law to the contrary notwithstanding.

February 5, 1787.

Chapter 8.

- Chap.* 8 RESOLVE APPROVING THE CONDUCT OF GENERAL SHEPARD, &c. IN THE DEFENCE OF THE ARSENAL AT *SPRINGFIELD*.

Resolved, unanimously, that the General Court highly approve of the conduct of Major General *Shepard*, and the militia of his division, for their exertions & spirited defence of the Federal Arsenal at *Springfield*, against the daring attempts and attack of the Insurgents.

February 5, 1787.

Chapter 9.

- Chap.* 9 RESOLVE ON THE MEMORIAL OF *RICHARD DEVENS*, ESQ; GRANTING *TWO THOUSAND POUNDS* FOR CERTAIN SUPPLIES, AND DIRECTING THE TREASURER TO BORROW THE SAME ON LOAN.

On the memorial of *Richard Devens*, Esq; Commissary General of this Commonwealth:

Resolved, that there be paid out of the Treasury of this Commonwealth, to the Commissary General, the sum of *Two thousand pounds*, for the purposes of finishing the Goal, and repairing the Wharf on *Castle Island* supplying the Garrison and Prisoners there, and of supplying the several Light Houses within this Commonwealth, he being accountable for the same.

Resolved that the Treasurer of this Commonwealth be, and he is hereby directed, to borrow on Loan, the sum of *two thousand pounds*, or any part thereof, for the purpose aforesaid, to be repaid from the monies that shall be first paid into the Treasury on account of any Tax or Taxes that are already issued, and which are not specially appropriated.

February 5, 1787.

Chap. 10

Chapter 10.*

[January Session, ch. 10, 1786.]

* Governor's message, see end of volume.

Chapter 11.

RESOLVE FOR ADJOURNING THE COURT OF COMMON PLEAS AND COURT OF GENERAL SESSIONS OF THE PEACE, TO THE FIRST TUESDAY OF *APRIL* NEXT. Chap. 11

Whereas the courts of common Pleas and General Sessions of the peace, were by law to have been holden at *Barnstable*, in and for the county of *Barnstable*, on the first Tuesday of *December* last; but by reason of the severity of the weather, the Justices of the said court could not meet, to open or hold either of said courts, whereby many ill conveniences may arise: for remedy whereof,

Resolved that the Justices of the court of common Pleas and the Justices of the court of General Sessions of the Peace, for the aforesaid county, at their next term to be holden at *Barnstable*, within and for the county of *Barnstable*, on the first Tuesday of *April* next, be, and they hereby are respectively, fully authorized and impowered, to proceed upon, hear and Determine all civil and criminal processes, and all other matters and Things which were legally pending in the said courts, at the Term which by law might have been holden in *December* as aforesaid; as fully to all intents and purposes as by law they could have done in the *December* term aforesaid.

February 6, 1787.

Chapter 12.

ORDER REQUESTING THE GOVERNOR TO APPOINT A DAY OF FASTING AND PRAYER. Chap. 12

Ordered, Unanimously, that his Excellency the Governor be, and he is hereby requested, with the advice of Council to issue his Proclamation for appointing a Day, to be observed, as Soon as may be Convenient, for the purpose of Solemn Fasting and Prayer; That the People may unitedly humble themselves before Almighty God, under the heavy frown of Divine Providence, in permitting the unnatural Rebellion which has taken place, and now exists in this Commonwealth — giving thanks to God for any favourable appearances, and imploring such merciful Interpositions for the future, as may be necessary for the restoration of perfect tranquility, and the full establishment of our Constitutional rights, liberties and privileges.

February 6, 1787.

Chapter 13.

Chap. 13 RESOLVE RESPECTING THE PAY OF NON COMMISSIONED OFFICERS AND PRIVATES, AND THE MANNER IN WHICH THEY ARE TO BE PAID, &c.

Resolved that the Non Commissioned Officers & privates, who have been, now are, or shall hereafter be called into public service, for suppressing the Rebellion which now exists, shall be severally paid as follows, viz. Sergeants, *forty eight shillings*. Corporals *forty four shillings*. Drums & fifes, *forty four shillings*. Privates, *forty shillings* per month; and in like proportion for a longer or shorter time.

And it is further Resolved that upon the Rolls being made out by the proper Officers, and Approved of by the Governor & Council, they will be discharged by the Treasurer in Specie, with all the speed that is practicable; the most effectual measures possible having been taken to borrow money for this purpose.

February 6, 1787.

Chapter 14.

Chap. 14 RESOLVE ON THE PETITION OF *BARCLAY FANNING*, TO SHEW CAUSE.

On the Petition of *Barclay Fanning*, representing that he had lost his Law in an Action brought against him by *Isaac Golding*, in Consequence whereof an Execution is issued against him :

Resolved That the Prayer of the Petition, for Reasons therein set forth, be so far granted, that the Petitioner be directed to serve the said *Golding* with a Copy of his Petition and this Order thereon, fourteen Days before the next Sitting of the General Court, to appear on the second Wednesday of the same, to shew Cause, if any he hath, why the Prayer thereof should not be granted, and that the Execution be stayed in the Mean Time.

February 6, 1787.

Chap. 15

Chapter 15.*

[January Session, ch. 15, 1786.]

* Governor's message, see end of volume.

Chapter 16.

RESOLVE FOR RE-INLISTING TROOPS UNDER GENERAL LINCOLN, AND GRANTING A BOUNTY; AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION FOR APPREHENDING THE PRINCIPALS OF THE REBELS, AND OFFERING A REWARD FOR THAT PURPOSE, AND TO REQUEST THE GOVERNORS OF OTHER STATES TO ISSUE SIMILAR PROCLAMATIONS. Chap. 16

Whereas it is necessary, for the more effectual Protection of the good Citizens of this Commonwealth, and for the entire Suppression of the present Rebellion, that a military Force be kept up for a further Space of Time, than that for which the Militia now serving under General *Lincoln*, were detached.

Resolved That the Commander in chief of this Commonwealth, be, and he is hereby requested, to give immediate Orders for the Enlistment of such a number of men as he shall judge necessary, for the purposes aforesaid, not exceeding fifteen hundred, to serve for the space of four Months, unless sooner discharged; the said Men to be enlisted from those now in Service if the said Number can be compleated from them, otherwise from the People at large.

Resolved That there be allowed and paid out of the public Treasury, from the Monies that may be loaned by Virtue of an Act passed the present Session, for borrowing the Sum of *Forty Thousand Pounds*, unto each able bodied Man that shall enlist as aforesaid, the Sum of *twenty shillings*, in advance of his Wages, established at *forty Shillings* per month.

And it is further Resolved that the Governor, with the Advice of Council, be, and he is hereby requested, to issue a Proclamation offering a Reward for apprehending such of the Ringleaders or Principals in the present Rebellion, as he shall judge proper, not exceeding *one hundred & fifty pounds*, for any one of them; and that the Governor be desired to write to the Governors of such of the other States, as he may think proper, requesting them to issue similar proclamations: at the same Time giving assurances that any money advanced by them, will be repaid by this State.

February 8, 1787.

Chapter 17.

Chap. 17 VOTE ON A PAPER SIGNED FRANCIS STONE, CHAIRMAN OF A COMMITTEE OF CERTAIN OFFICERS FROM THE COUNTIES OF WORCESTER, HAMPSHIRE, MIDDLESEX AND BERKSHIRE, WHO ARE IN ARMS AGAINST GOVERNMENT.

A Paper called a petition from the Officers of the Counties of Worcester, Hampshire, Middlesex & Berkshire, now at arms, & signed by *Francis Stone*, Chairman of the Committee from the above Counties, and addressed to the General Court, was read, Whereupon,

Voted, *That the said Paper cannot be sustained.*

first. Because those concerned therein, openly avow themselves to be at arms, & in a state of hostility against the Government; and for this reason alone the said paper would be unsustainable, even if the tenor of the application, had discovered a spirit suitable to the object of it.

secondly. Because it does not appear, *what Officers*, or *how many*, are represented by the said Paper, or that the said *Stone*, had authority from, *any Officers whatever*, to make the application by him subscribed.

thirdly. Because the Applicants although they call themselves petitioners, & acknowledge an “*error*,” yet consider that error only as “*a failing*,” and attempt, at least in part, to justify themselves therein.

fourthly. The said Applicants appear to view themselves *on equal, if not better standing*, than the Legislature, by proposing “*a reconciliation*.”

fifthly. They appear to threaten the authority & Government of the Commonwealth, with a great effusion of blood, unless this “*reconciliation*” can immediately take place.

sixthly. They implicitly declare their determination to continue in arms, unless all who now are, & who have been in a state of open war with the Government, including those who have been apprehended & are now in custody, as well as all others who have any way aided or assisted in their cause, can have another full pardon granted, for all offences, in addition to that which they have so lately despised.

seventhly. If the paper presented had been a *proper petition*, subscribed by the persons who desire a pardon, & expressive of a due sense of their crime, with proper

resolutions of amendment, yet their engagements could not be depended on; as their cause has been supported by a multitude of falsehoods; and as no engagements can be more solemn, than those made by the leaders of the Rebels in the County of *Middlesex*, on the week before the Judicial Courts sat last in the said County, that they would not take any measures to obstruct the sitting of the said Courts; which engagements were so far regarded, as to induce the commander in chief, to write counter-orders to a considerable part of the Militia whom he had ordered to be detached; and yet those engagements were on the next day violated.

February 8, 1787.

Chapter 18.

RESOLVE ON THE EXAMINATION OF THE ACCOUNT OF ED-
WARD DAVIS, ESQ; AND OTHERS, LATE GUARDIANS OF
THE DUDLEY INDIANS, DIRECTING THE GUARDIANS TO
PAY A BALANCE OF FOUR POUNDS EIGHTEEN SHILLINGS
AND TWO PENCE, TO SAID EDWARD DAVIS, AND OTHERS,
OUT OF THE PROFITS THAT SHALL ARISE OUT OF THE
SAID INDIANS ESTATES. Chap. 18

The Committee of both Houses, appointed to examine the accounts of *Edward Davis*, Esqr; and others, late guardians of the *Dudley* Indians, have attended that service, and ask leave to make the following report.

S. FREEMAN, Per Order.

That they find due from the said Guardians, to the *Dudley* indians, as by a former settlement, which was accepted by the General Court, the sum of *Twenty pounds one shilling and six pence*, and also the further sum of *eighteen pounds*, for two years income of said indians land, since *January* the Twenty Ninth day, 1785; and upon examining the said Guardians account of Disbursements, it appears that they are right cast and well vouched, amounting in the whole to *forty two pounds nineteen shillings and eight pence*: It therefore appears, that a balance is due to the said late Guardians from the aforesaid indians, of the sum of *four pounds eighteen shillings and two pence*.

Therefore

Resolved that the present Guardians to the above-said indians, pay to the aforesaid *Edward Davis* and others, out of the profits that shall arise out of the said indians

estates, the abovesaid sum of *four pounds eighteen shillings and two pence*, in full Discharge of all the demands that the said late Guardians have against the indians aforesaid.

February 9, 1787.

Chapter 19.

Chap. 19 RESOLVE ON GROTON PETITION, EMPOWERING SAID TOWN TO CHOOSE A COLLECTOR, OR COLLECTORS TO COMPLEAT THE COLLECTIONS OF ALL SUCH TAXES AS REMAIN DUE UPON THE RATE-BILLS COMMITTED TO *JOB SHATTUCK* AND *BENJAMIN PAGE*, AND DIRECTING THE SELECTMEN AND ASSESSORS OF THE SAID TOWN IN THIS CASE.

Whereas it has Been Represented to this Court, by the Selectmen of the Town of *Groton*, That *Job Shattuck*, now a State prisoner, was Chosen a Constable for the said Town for the year 1785, and had Taxes Committed to him to Collect, the greater part whereof remaining unsettled: That *Benjamin Page*, now a State prisoner, was Chosen a Constable for the year 1786, and had taxes Committed to him to Collect, no part of which has Been Settled; and that *Jacob Lakin Parker*, was also Chosen a Constable by the Said Town for the year 1786, and Duly Sworn into office, and has acted as an officer of that Denomination, But has Neglected and refused to take the State rate to Collect, altho the Same was Seasonably made and offered to him. Therefore

Resolved, that the Said Town of *Groton*, be, and they are hereby authorized and impowered, at a town meeting warned for that purpose, to Choose a Collector, or Collectors, to Compleat the Collections of all Such taxes as remain Due upon Either of the rate Bills Committed to the Said *Shattuck* and *Page*, and also the State rate already made, which the Said *Parker* has refused to receive and Collect.

and it is further Resolved, that the Selectmen and Assessors of the Said Town of *Groton*, be, and they are hereby authorized and impowered, to Demand and receive, the Several tax Bills Committed to the Said *Shattuck* and *Page*, and to Examine and ascertain the Ballances remaining Due on Each, and to Commit the Same, and also the State tax which the Said *Parker* refuses to take and Collect, with the Assessors warrant, to the person or persons, the Said town Shall Choose.

And the Assessors of the Said town are hereby Directed, to Certify, the Sum or Sums, that remain uncollected, on any of the Bills, to the respective Treasurers to whom they are Due, together with the name of the person or persons Chosen and appointed to compleat the Said Collections; and the person or persons Chosen and appointed as afores^d Shall have the same power and authority to Collect Such Sum or Sums, as the Said *Shattuck, Page* and *Parker* originally had, and Shall be under like obligations to pay the Sum or Sums that remain to be Collected on the Said Bills, to the Several Treasurers to whome they are respectively Due.

February 10, 1787.

Chapter 20.*

[January Session, ch. 20, 1786.]

Chap. 20

Chapter 21.*

[January Session, ch. 21, 1786.]

Chap. 21

Chapter 22.*

[January Session, ch. 22, 1786.]

Chap. 22

Chapter 23.

RESOLVE GRANTING TO *SIMON STOW*, NINETY-NINE POUNDS, NINE SHILLINGS AND ELEVEN PENCE.

Chap. 23

Resolved that the sum of *Ninety nine pounds nine shillings and eleven pence*, be allowed to *Simon Stow*, of *Marlboro'*, Agent to the estate of *Henry Barnes*, late of said *Marlboro'*, an absentee, in full of his account as Agent aforesaid; and the Governour is requested, with advice of Council, to draw his warrant accordingly.

February 14, 1787.

Chapter 24.

RESOLVE DISCHARGING *SIMON STOW*, AGENT TO THE ESTATE OF *HENRY BARNES*, LATE OF *MARLBOROUGH*, OF A SUM IN PAPER MONEY.

Chap. 24

Whereas it appears, that *Simon Stow* of *Marlborough*, hath in his possession, the sum of *Eleven hundred and*

* Governor's message, see end of volume.

twenty one dollars, in paper money, which he received as Agent to the Estate of *Henry Barnes*, Esq; as appears by his Account, settled by the Judge of Probate for that County.

Therefore *resolved*, that the Treasurer of this Commonwealth be, and he hereby is directed, to receive the said paper money of the said *Stow*, giving duplicate receipts therefor, one of which to be lodged with the Secretary. And he the said *Stow*, upon the payment of the said money to the Treasurer, is hereby discharged from the same.

February 14, 1787.

Chapter 25.

Chap. 25 RESOLVE ON THE PETITION OF *JANE QUOYE*, AUTHORIZING THE SELECTMEN OF THE TOWN OF *HARWICH*, TO MAKE SALE OF THE LAND MENTIONED.

On the petition of *Jane Quoye*, praying that a certain piece of land may be Disposed of, as mentioned in Said Petition, for reasons therein contained :

Resolved, that the Select Men of the Town of *Harwich*, be, and they hereby are authorized and impowered, to sell the land mentioned in the above said petition, for the Most the same will fetch, and to make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers Thereof; and the money arising by such sale, after paying reasonable charges of conveyance shall remain in the Hands of Said Select Men, or their successors in that office, and be punctually applied to the payment of such debts, as they find the petitioner hath contracted for necessary things for her support; and the remainder shall be applied by the said Select Men, for the support of the Said *Jane*, during her life; and if any of s^d money shall remain after her decease, the same Shall be applied to the support of any other poor indian or indians, in the said Town of *Harwich*, as the Select Men of Said Town, for the time being, shall judge to be necessary.

February 14, 1787.

Chap. 26

Chapter 26.*

[January Session, ch. 26, 1786.]

* Governor's message, see end of volume.

Chapter 27.

RESOLVE FOR ADJOURNING *ESSEX* COURTS TO THE FIRST *Chap. 27*
TUESDAY OF *APRIL* NEXT.

Whereas a Court of General Sessions of the peace, and a Court of Common Pleas, are, by adjournment to be holden at *Salem*, within and for the County of *Essex*, on the third Tuesday of *February* instant. And whereas the General Court will probably then be in Session, and the Supreme Judicial Court is by law to be holden on the same day, and it will be difficult, if not impracticable for the Justices and Officers of the Courts herein first mentioned to attend upon the same, at the time to which they are adjourned :

Resolved, that the Court of General Sessions of the Peace, and Court of Common Pleas, which by adjournment should be holden at *Salem*, within and for the County of *Essex*, on the third Tuesday of *February* instant, be, and they hereby are adjourned to the first Tuesday of *April* next, then to be holden at *Ipswich*, within and for the County aforesaid; and all writs, processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, by adjournment to be holden at *Salem*, as aforesaid, and all matters, causes and things, that might have day, or that might be had, moved or done, at, in or by the said Courts on the said Third Tuesday of *February* instant, shall be returnable to and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same. And the Secretary is hereby directed to cause this Resolve to be published in the *Massachusetts Gazette*.
February 15, 1787.

Chapter 28.

RESOLVE ADMITTING CAPT. MATTHEW CLARK, TO BAIL, ON *Chap. 28*
CERTAIN CONDITIONS.

Resolved that any two Justices of the Peace for the County of *Hampshire*, *quorum unus*, be, and they are hereby authorized and impowered, to admit to bail *Matthew Clark*, late of *Colerain* in s^d County, who is now confined in the Goal in *Northampton*, in the same County,

he the said *Matthew* recognizing in the Sum of *two hundred Pounds*, with sufficient Sureties in the like sum for his appearance at the next Supreme Judicial Court, which shall be holden in the same County, to answer to such matters as shall be alledged against him, on Behalf of the Commonwealth, and keep the Peace and be of the good Behaviour in the mean Time. *February 15, 1787.*

Chapter 29.

Chap. 29 RESOLVE REQUIRING THE COLLECTORS OF TAXES GRANTED IN 1786, INSTANTLY TO EXERT THEMSELVES, AND COLLECT THE SPECIE TAX, AND PAY THE SAME INTO THE TREASURY, WITH DIRECTION TO THE COLLECTORS WITHIN 50 MILES OF *BOSTON*, AS ALSO TO COLLECTORS OF TAXES GRANTED PREVIOUS TO 1784; AS ALSO DIRECTING THE TREASURER IMMEDIATELY TO CALL UPON COLLECTORS, SHERIFFS &c.

Whereas it is necessary, that a Considerable Sum of Money should be immediately procured to defray the Expences incurred by Reason of the Detachments lately made for the Suppression of the unnatural Rebellion now existing in the Commonwealth, and for other Services rendered to the public :

Resolved, that the Collectors of the public Tax, granted in *March*, 1786, be, and they hereby are required, instantly to exert themselves to collect, and pay into the Treasury of the Commonwealth, immediately, that part of the said Tax, which is to be paid in Specie ; and the Collectors of the several Towns, within fifty Miles of *Boston*, are hereby required to pay into the Treasury, all such Sums as they shall be able to collect, within ten Days at farthest, after the Receipt of this Resolve ; and the Collectors of the several Towns at a greater Distance, are in like Manner required, within thirty Days after the Receipt thereof, to pay into the Treasury, the whole they shall be able to collect.

and it is further *Resolved*, that the Collectors of Taxes granted previous to the year 1784, be, and they hereby are required, to urge upon the Delinquents in those Taxes, the Necessity of an immediate Payment, either in Specie, or the several Species of Articles, enumerated in an Act passed *November 8th*, 1786 ; as the General Court will be under the necessity of requiring the said Taxes to be paid in Specie only, unless Payment is made in the Articles afore^d, without Delay.

Resolved, that the good People of this Commonwealth, be, & they hereby are called upon to give a Substantial Proof of their attachment to our happy Constitution, & their Regard to the Freedom & Safety of their Country, by an immediate Payment of their Taxes.

And it is further *Resolved*, that the Treasurer of the Commonwealth, be, & he hereby is directed, immediately to call upon the Collectors of Taxes in the several Towns of the Commonwealth, & upon the Sheriffs, to whom Executions against such Collectors may have been committed, forthwith to collect & pay to the s^d Treasurer, the Sums which they are respectively authorized to collect, or so great a Part thereof, as they shall be able to obtain.

Resolved, that the Secr^y cause this Resolve to be printed in the *Independent Chronicle*, and in hand Bills, and forthwith to send one of them to each of the Sheriffs, & to the Clerk of each of the Towns, Districts & Plantations, within this Commonwealth, who are hereby required, immediately on receipt thereof, to give notice of its Contents to the Collectors of Taxes within their respective Limits, who are concerned therein. *February 17, 1787.*

Chapter 30.*

RESOLVE REQUESTING THE GOVERNOR TO SEND GENERAL LINCOLN, THREE HUNDRED POUNDS, FOR THE PURPOSE OF ENLISTING MEN FOR THE SERVICE OF GOVERNMENT FOR FOUR MONTHS, AND TO INFORM HIM A FURTHER SUM WILL BE FORWARDED.

Chap. 30

Resolved that his Excellency the Governour be, and he is hereby requested, immediately to send to General Lincoln, the sum of *three hundred pounds*, with instructions to make use of the same, agreeably to his best judgment, among the Officers and men under his command, for the purpose of enlisting men for the term of four months, agreeably to the resolve of the General Court, of the 8th instant, passed for this purpose, with assurance, that upon receiving information from him, of the number of men that he can enlist for the term aforesaid, such a sum will be immediately sent him, as will compleat *twenty shillings* per man, for the number he shall inform may be enlisted as aforesaid, not exceeding one thousand men, and as will

* Taken from court record.

pay the Officers who shall command them, in the same proportion. The money which shall be paid, to be considered as in advance of wages. *February 17, 1787.*

Chap. 31**Chapter 31.***

[January Session, ch. 31, 1786.]

Chap. 32**Chapter 32.***

[January Session, ch. 32, 1786.]

Chapter 33.

Chap. 33 RESOLVE ON THE PETITION OF *JOHN VINAL*, ATTORNEY TO THE INHABITANTS OF *FOX ISLAND*, IN THE COUNTY OF *LINCOLN*, ALLOWING THE INHABITANTS ONE YEAR TO FULFIL THE CONDITIONS ENJOINED UPON THEM.

On the petition of *John Vinal*, Attorney to the inhabitants of *Fox Island*, in the County of *Lincoln*, praying that the Inhabitants of *s^d Island*, may have a further time allowed them for paying a Sertaine Sum of Hard money into the Treasury of the Commonwealth, agreeably to a Resolve of the Gen^l Court passed in *Febr Last*; for Reasons Set forth in *s^d petition*:

Resolved that the prayer of *s^d petition* be Granted, and that the Inhabitants of *s^d Fox Island*, be, and hereby are allowed one year from the Date of this Resolve to fullfill the Conditions Enjoyned upon them in the payment of the money by the Resolve above mentioned; any Resolve to the Contrary Notwithstanding. *February 19, 1787.*

Chapter 34.

Chap. 34 RESOLVE GRANTING *TWELVE POUNDS* TO *JOHN BROWN*, ESQ; ONE OF THE COMMITTEE OF SEQUESTRATION, FOR HIS SERVICES.

Resolved, That there be paid out of the Treasury of this Commonwealth, to *John Brown Esq.* the sum of *Twelve pounds three shillings, and one penny*, being a ballance due to the said *Brown*, as one of Committee of Sequestration, as appears by a Certificate to His Excellency the

* Governor's message, see end of volume.

Governour and the Hon^{ble} Council, of Jan^y 12, 1785, from *John Deming, Thomas Walley* and *Peter Boyer*, Com^{tee} appointed to settle with the Com^{tee} of Sequestration.

February 19, 1787.

Chapter 35.

RESOLVE ON THE GOVERNOR'S MESSAGE, REQUESTING HIM TO SEND GENERAL WARNER, FIVE HUNDRED POUNDS, FOR THE PURPOSE OF ENLISTING MEN.

Chap. 35

Resolved that his Excellency the Governor be, and he hereby is requested, immediately, to send to General Warner, at Worcester, the Sum of *five hundred pounds*, with Instructions to improve the same for the Purpose of raising a Regiment of five hundred men, to be enlisted for the Term of four months, unless sooner discharged, agreeably to a Resolve of the 8th of *Feby* current, the said Regiment to be considered as part of the men provided for, by a Resolve of the 17th Instant.

And it is further *Resolved*, that his Excellency the Governor be, & he hereby is requested, if he shall think it adviseable, to give the necessary Orders for raising a Troop of sixty Horse, to assist the civil Officers in arresting the leaders of the present Rebellion, and their Abettors, that they may speedily be brought to Justice.

February 19, 1787.

Chapter 36.

RESOLVE ON THE PETITION OF SAMUEL PERRY, AUTHORIZING JOSEPH TWITCHELL, TO CONFIRM SAID PERRY'S TITLE TO THE LAND MENTIONED.

Chap. 36

On the petition of *Samuel Perry*, Praying that *Joseph Twitchell*, the only Surviving Guardian to *Natick* Indians, be uthorized to Confirm the aforesaid *Perry's* title to Certain Lands; and for reasons Set forth in Said Petition:

Resolved, that the Prayer of the Petition be so far granted, that *Joseph Twitchell*, the only Surviving Guardian to *Natick* Indians, be, and he hereby is authorized and empowered, on application, to confirm Said *Perry's* title or titles to Said Land or Lands in as full and ample a manner, as all the Guardians Could do, if they were now living.

February 20, 1787.

Chapter 37.

- Chap. 37* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *PITSTON*, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR THE SUM MENTIONED.

On the petition of the Selectmen of the Town of *Pittston*, setting forth, that the said Town was not credited for the average price of three men, whom they procured to serve for three years in the Continental Army: And it appearing that the facts therein stated are true:

Resolved, that the Treasurer be, and he is hereby directed, to credit the said Town of *Pittston*, for the sum of *Two hundred and fifty six pounds nineteen shillings*, it being the Average price of the men, who served for three years in the Continental Army, agreeably to a resolve of *Dec. 2^d, 1780.*

February 20, 1787.

Chapter 38.

- Chap. 38* RESOLVE ALLOWING THE ACCOUNTS OF THE COUNTY TREASURER FOR THE COUNTY OF *MIDDLESEX*, AND GRANTING A TAX OF *SEVEN HUNDRED AND FIFTY POUNDS* ON THE INHABITANTS.

Whereas it appears upon Examination of the Treasurer's accounts for the County of *middlesex*, that they are Right Cast and well vouchd, and that all the monies granted and allowed by the Court of General Sessions of the peace for the Said County, for the year 1786, were for Such purposes and appropriations as by Law the Said Court were Empowered to provide for:

therefore *Resolved*, That the Said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of Said Court, made the Second Tuesday of *November*, 1786, that the sum of *Seven Hundred and fifty pounds*, will be Necessary for Defraying the charges of Said County for one year next ensuing: therefore

Resolved, that there be, and hereby is Granted a tax of *Seven Hundred and fifty pounds*, to be apportioned and assessed on the Inhabitants of Said County and the Estates lying within the Same, and to be Collected, paid and applied for the use of the Said County, according to the Laws of the Commonwealth.

February 20, 1787.

Chapter 39.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWNS OF *PORTLAND*, *FALMOUTH*, AND *NORTH-YARMOUTH* AND *GORHAM*, IN THE COUNTY OF *CUMBERLAND*, DIRECTING THE SECRETARY TO CAUSE ALL SUCH ACTS AND RESOLVES AND OTHER DOINGS OF THE LEGISLATURE, WHICH RESPECT THE COMMONWEALTH IN GENERAL, OR THE SAID COUNTIES, TO BE PUBLISHED IN THE PAPERS PRINTED AT *PORTLAND*, AND ALL PUBLICATIONS RESPECTING THE COUNTIES OF *HAMPSHIRE* AND *BERKSHIRE*, TO BE PRINTED IN THE *NORTHAMPTON* PAPER. Chap. 39

Resolved, that the Secretary be, and he hereby is directed, to cause all such Acts, Resolves and other Doings of the Legislature, which respect the Commonwealth in general, or the Countys of *York*, *Cumberland* and *Lincoln*, or either of them in particular, and which shall be thought necessary to be inserted in any of the *Boston* News papers, to be also published in the Papers Printed at *Portland* in the County of *Cumberland*; And to cause all such Acts, Resolves and Doings as afores^d, which respect the Commonwealth in general, or the Countys of *Hampshire* and *Berkshire*, or either of them in particular, and which shall be thought necessary to be inserted in any of the *Boston* News Papers, to be also published in the Papers printed at *Northampton* in the County of *Hampshire*.

And it is further *resolved* that all such Advertisements for the Sale of non-resident's Lands, for payment of Taxes, as by Law are directed to be inserted in any *Boston* News paper, shall in future be also published in the paper printed at *Portland*, when the Lands to be sold lie in either of the Countys of *York*, *Cumberland* or *Lincoln*, and in the *Northampton* Paper, when the Lands are in the countys of *Hampshire* or *Berkshire*; any Law or Resolve to the contrary notwithstanding.

February 20, 1787.

Chapter 40.

RESOLVE EMPOWERING THE TREASURER TO BORROW MONEY OF THE BANK, ONE THOUSAND AND FIVE HUNDRED POUNDS, AND TO PAY A BALANCE OUT OF THE FIRST MONIES THAT SHALL COME INTO THE TREASURY WHICH WAS ADVANCED FOR THE EXIGENCIES OF GOVERNMENT. Chap. 40

Resolved, That the Treasurer be, and he hereby is empowered, to borrow of the President and Directors of the

Massachusetts Bank, the Sum of *Fifteen Hundred Pounds*, for the purpose of enlisting the men proposed to be raised for the Suppression of, and defraying the Expences incurred in the present Rebellion; the said money to be replaced from the Subscriptions on the Loan of *Forty Thousand Pounds*, the said Treasurer was empowered to borrow by an Act passed the present Session, which Subscriptions shall be lodged with the said President and Directors, to be to them paid, until the said Sum of *Fifteen Hundred Pounds* is compleated; and the said Treasurer is further directed to pay out of the Monies that shall first come into the Treasury, a Ballance due to the said Bank, which was advanced for the Exigencies of Government, and lent on the promise of being so paid.

February 20, 1787.

Chapter 41.

Chap. 41 RESOLVE ON THE PETITION OF *LYDIA SPEAN*, AN INDIAN WOMAN, EMPOWERING HER TO SELL LAND MENTIONED.

On the petition of *Lydia Spean*, an Indian Woman, praying that the Guardians of the Said *Lydia* may sell eighteen acres of Land belonging to the Said *Lydia*, for reasons Set forth in Said petition :

Resolved, that the Guardians of the Said *Lydia* be, and they hereby are empowered, to sell the aforesaid land by public Vendue or private Sale, as they shall think best, and execute a good deed or deeds to the purchaser or purchasers of the aforesaid land : the money arising by Said Sale to be appropriated to the use of the Said *Lydia*, at the discretion of the Said Guardians ; Said Guardians to be accountable for Said money.

February 20, 1787.

Chapter 42.

Chap. 42 RESOLVE ON THE PETITION OF *STEPHEN JONES*, AND *SARAH HILL*, EMPOWERING THE ADMINISTRATRIX TO GIVE A GOOD DEED OF THE LAND MENTIONED.

On the Petition of *Stephen Jones & Sarah Hill*, praying that the said *Sarah* may be impowered to give and execute a Deed of Seven Acres of Land, in *Machias*, there numbered One, to them the said *Stephen & Ichabod Jones*; for reasons set forth in said petition :

Resolved, that the said *Sarah*, Administratrix on the Estate of her late husband, *Obediah Hill*, be, & she

hereby is impowered, to give & execute a Good & lawful deed of the Land mentioned in the said petition, to them the said *Stephen & Ichabod*, upon their giving her the said *Sarah*, a deed of a mill, as mentioned in said petition, to the use of the heirs of the deceased, agreeable to the prayer thereof; the said *Sarah*, to be accountable for the Profits of said Mill, to the heirs of the said *Obediah*, deceased.

February 20, 1787.

Chapter 43.

RESOLVE ON THE PETITION OF LIEUT. *BARTLETT HINDS*, AND THE INVALIDS THAT ARE DOING DUTY ON *CASTLE-ISLAND*, DIRECTING THE COMMISSARY OF PENSIONERS TO CERTIFY TO THE COMMANDING-OFFICER THE SUM DUE, AND THE COMMISSARY-GENERAL TO FURNISH A BLANKET TO EACH OF THEM.

Chap. 43

On the petition of Lieutenant *Bartlett Hinds*:

Resolved that Lieutenant *Bartlett Hinds*, and the invalids that are Doing duty on *Castle Island*; and also such other pensioners as may hereafter be called upon to do Duty there (agreeably to a Resolve of the General Court passed the eighth of *July* last) be paid according to the establishment made for the Garrison on said *Castle Island*, including their pensions: and the Commissary of Pensioners is hereby directed to certify to the Commanding officer of the aforesaid Garrison, the particular sum each invalid, Doing duty in said garrison, receives per month as a pension; and the said Commanding officer is directed, in making up the Garrison Rolls, to Govern himself accordingly; their pay to commence on the day they enter upon the *Castle*.

And it is further

Resolved, that the Commissary General be, and he hereby is Directed, to furnish each of said invalids with a blanket, if they desire it, the prise of the same to be Deducted out of their wages.

February 21, 1787.

Chapter 43A.*

RESOLVE RELATIVE TO THE APPOINTMENT OF COMMISSIONERS, TO MEET OTHER COMMISSIONERS IN THE UNION, AT *PHILADELPHIA*, ON THE SECOND OF *MAY* NEXT, GIVING THEM INSTRUCTIONS AND IMPOWERING THE GOVERNOR TO FILL UP ANY VACANCY.

Chap. 43A

The committee of both Houses appointed to consider the Governor's Message of the 2d of *October* last, enclos-

* Not printed in previous editions.

ing with other papers a letter from *John Dickinson* Esqr. Chairman of the Commissioners, lately assembled at *Annapolis* for the purpose of forming commercial regulations for the United States, &c. submit the following resolve for consideration.

S. ADAMS. p Order.

Resolved that five Commissioners be appointed, by the General Assembly, who, or any three of whom, are hereby empowered, to meet such Commissioners, as are or may be appointed by the Legislatures of the other States in the Union, at *Philadelphia*, on the second day of *May* next, & with them to consider the trade & commerce of the United States; & how far an uniform system in their commercial intercourse & regulation, may be necessary for their common interest & permanent harmony;—

And also to consider, how far it may be necessary to alter any of the articles of the present Confederation, so as to render the Constitution of the federal Government, more adequate to the exigences of the Union; & what further powers may be necessary to be vested in Congress for the common welfare & security, & with them to form a report for that purpose,—Such alterations & additions as may be made, to be however consistent with the true republican spirit & genius of the present articles of Confederation.

Provided, that the said Commissioners on the part of this Commonwealth, are hereby particularly instructed, by no means to interfere with the fifth of the articles of the Confederation, which provides, “for the annual election of Delegates in Congress, with a power reserved to each State, to recall its Delegates or any of them, within the Year, and to send others in their stead for the remainder of the Year—And which also provides, that no person shall be capable of being a Delegate, for more than three years in any term of six years, or being a Delegate, shall be capable of holding any Office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.”

The report of the said Commissioners, from the several Legislatures, to be laid before the United States in Congress assembled, to the intent, that if they shall judge it proper, they may recommend the said report or any part of it to the Legislatures of the several States for their

consideration, and if agreed to by them, that the same may become a part of the Confederation of the United States.

And if any of the Commissioners who shall be appointed by the General Assembly, shall resign, or by death, or otherwise, be prevented from attending the said Convention, it shall be in the power of the Governor with the advice of Council to supply any vacancy that may take place as aforesaid, and he is requested to supply such vacancy accordingly.

February 22, 1787.

Chapter 44.

RESOLVE REQUESTING THE GOVERNOR TO FORWARD TO GENERAL LINCOLN, SIX HUNDRED AND FIFTY POUNDS, TO COMPLEAT THE ENLISTMENT OF MEN, AND TO ADVISE GENERAL LINCOLN, THAT AN ESTABLISHMENT FOR THE OFFICERS IS NOT YET DETERMINED UPON; AND TO GIVE ORDERS RESPECTING THE MONEY LODGED IN GENERAL WARNER'S HANDS. Chap. 44

Resolved, That his Excellency the Governor be, & He is hereby requested, to forward, agreeably to General Lincoln's proposals, the Sum of *six hundred & fifty pounds* in specie, in order to compleat the Inlistment of one thousand Men, agreeably to a Resolve of the General Court, passed the 19th Instant. That his Excellency be, & He hereby is further requested, to advise General Lincoln, that an Establishment for the Officers is now under the consideration of the General Court, and will probably be soon made, and forwarded immediately after; And that he pay to the Officers, who may engage, such Sums as, in his opinion, may amount to the *probable* pay of half a month each, they being accountable.

Resolved, that his Excellency the Governor be requested to give such orders respecting the Monies lodged in the Hands of General Warner, as He may think proper.

February 23, 1787.

Chapter 45.

RESOLVE POSTPONING THE DRAWING OF THE LOTTERY FOR THE SALE OF FIFTY TOWNSHIPS OF LAND BETWEEN PENOBSCOT AND SCHOODUCK RIVERS, TO THE THIRD WEDNESDAY IN JUNE NEXT. Chap. 45

Resolved, that the Lottery for the Sale of fifty Townships of land between *Penobscot and Schooduc* rivers,

Established by an act of the General Court, made and passed in *Nov.* 1786, Enacting that the Said Lottery shall be drawn, in *Boston*, on the first wednesday of *March* next, be and hereby is Postponed, until the third wednesday of *June* next, at which time and place, the Said Lottery shall be Drawn, any thing in said act to the Contrary Notwithstanding.

February 23, 1787.

Chapter 46.

Chap. 46 RESOLVE FOR GRANTING LICENCES IN THE SEVERAL COUNTIES WHERE THE COURTS OF GENERAL SESSIONS OF THE PEACE, HAVE BEEN PREVENTED FROM SETTING AT THE TERMS ESTABLISHED BY LAW.

Whereas the Courts of General Sessions of the Peace in several of the Counties within this Commonwealth, were prevented from sitting at the terms established by Law for granting licences to Innkeepers and Retailers of spirituous liquors for the present year: Therefore

Resolved that in each County within this Commonwealth, where licences have not been granted to innkeepers & retailers of spirituous Liquors for the present year, the Justices of the Court of General Sessions of the Peace, at their Sessions next to be holden in the said Counties after the passing this resolve, be, & they are hereby respectively authorized and empowered, to grant licences to innkeepers & retailers of spirituous liquors, as they might by Law have done at the licence term aforesaid, so as the following resolve be strictly adhered to.

And it is further *Resolved*, that no person shall be licenced by virtue of the foregoing resolve at any Court of General Sessions of the Peace, to be holden as aforesaid, untill he shall produce satisfactory evidence to the said Court, that he has been, and is firmly attached to the Constitution of this Commonwealth, and shall take and subscribe the following oath:

I *A. B.* do swear, that I will bear true faith and allegiance to the Commonwealth of *Massachusetts*, and that I will to the utmost of my power, defend the Constitution and Government thereof, against traiterous conspiracies, and all hostile and violent attempts whatsoever.

And no licenced person shall have his licence renewed, unless he shall also produce a certificate from the Collector of Excise of the same County, that he has paid his excise, up to the first day of *November* last.

And be it further *Resolved*, that all recognizances that were returnable into any Court of General Sessions of the Peace, which has been prevented from sitting as aforesaid, shall have day, and be proceeded upon at the next session of such Court, that shall be held after the passing of this resolve, in the same manner, as they might have been proceeded upon, at the term established by law for that purpose, had the said Court not been then prevented from sitting as aforesaid.

And it is further *Resolved*, that the Collectors of excise and impost in the several Counties in this Commonwealth, be, and they hereby are directed, without delay, to collect all the duties and excise that remain due to them respectively; and to prosecute according to law, all persons whatsoever, that sell without licence; and all those persons, that do not obtain a renewal of their licence, and who neglect to settle with the Collectors.

February 23, 1787.

Chapter 47.

RESOLVE FOR PAYMENT OF THE MEMBERS OF THE GENERAL COURT, OUT OF THE SPECIE PART OF THE TAX GRANTED *Chap. 47*
MARCH, 1786, DIRECTING THE TREASURER IN THIS CASE.

Resolved, that the Treasurer be, and he hereby is directed, to pay the Members of the Honourable Council, and the Members of the General Court, for their Travel and Attendance the present Session, and also the Ballances due on past pay Roles to Members of Council, and of the General Court, out of the specie Part of the Tax granted in *March, 1786*, and appropriated for the Support of Government, or out of any the back Taxes that are to be paid in specific Articles, as they shall choose.

February 23, 1787.

Chapter 48.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT. *Chap. 48*

Resolved, that there be paid out of the Treasury of the Commonwealth, the sum of *eight shillings*, to each Member of the Honble. Council, and the sum of *Seven Shillings and six pence*, to each Member of the Honble. Senate, and the sum of *seven shillings*, to each Member of the House of Representatives, for each day they have respectively attended the Council, or the General Court, the

present session ; Also the further Sum of one Day's pay for every ten miles distance each Member lives from this place.

And it is further *Resolved*, That there be granted and paid out of the Treasury of this Commonwealth, to the Honble. *Samuel Phillips*, junr. Esq ; President of the Senate, the sum of *Six Shillings* per Day ; and to the Honble. *Artemas Ward*, Esq ; Speaker of the House of Representatives, the sum of *Six Shillings* per Day, for each Day's attendance on the General Court at their present Session, over and above their respective pay as Members thereof.

February 24, 1787.

Chapter 49.

Chap. 49 RESOLVE GRANTING TWO HUNDRED POUNDS TO THE HON. NATHANIEL GORHAM, ESQ; TO ENABLE HIM TO GO ON TO CONGRESS.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to the Honbl. *Nathl Gorham*, Esqr ; the Sum of *Two hundred pounds*, he being about to proceed to Congress as one of the Delegates from this Commonwealth ; he to be Accountable for the Same.

February 24, 1787.

Chapter 50.

Chap. 50 ESTABLISHMENT FOR THE PAY OF THE OFFICERS IN THE SERVICE.

The Committee of both Houses, appointed to consider of, & report an Establishment for the Officers in the service of the Commonwealth, beg leave to report the following, & ask leave to sit again.

STEPHEN CHOATE. Per Order.

	£.	s.	d.		£.	s.	d.
Major General, . . .	30	0	0	Brigadier General, . .	24	13	0
Adjutant General, . .	24	0	0	Deputy Adjutant-Gen-			
Quarter Master Gen-				eral, ...	15	0	0
eral, ...	15	0	0	Deputy Quarter Mas-			
Brigade Major, . . .	10	0	0	ter, ...	10	0	0
Brigade Quarter Mas-				Aid de Camp, . . .	10	0	0
ter, ...	8	0	0	Colonel, ...	15	0	0
Lieutenant Colonel, .	12	0	0	Major, ...	10	0	0
Captain, ...	8	0	0	Lieutenant, ...	5	6	8
Ensign, ...	4	10	0	Adjutant, ...	6	13	4
Quarter Master, . . .	6	13	4	Surgeon, ...	11	0	0
Surgeon's Mate, . . .	5	6	8	Serjeant Major, . . .	2	14	0
Quarter Master Ser-				Drum Major, ...	2	8	0
jeant, ...	2	14	0	Clerk, ...	2	14	0
Fife Major, ...	2	8	0				

And that the same rations be allowed, as by the last establishment for the Continental army.

February 25, 1787.

Chapter 51.

REPORT OF THE COMMITTEE ON THE GOVERNOR'S MESSAGE,
REFERRING THE SUBJECT MATTER OF THE LAST REQUISITIONS OF CONGRESS, TO THE NEXT GENERAL COURT, FOR REASONS MENTIONED. *Chap. 51*

The Committee of both Houses, appointed on the Governor's message of the 14th instant, respecting the last Requisitions of Congress, have attended the Service assigned them, and ask leave to report as their Opinion, that considering this Commonwealth has been, and still is involved in a State of actual War, it is impracticable, immediately to order an assessment of the Sums required of this State in that Requisition, and that the same be referred to the next General Court which is submitted.

SAMUEL BAKER, per order.

Read and accepted.

February 26, 1787.

Chapter 52.

RESOLVE ON THE PETITION OF FRANCIS DANA, ESQ.

Chap. 52

On the Petition of *Francis Dana*, Esqr; setting forth, that he is in danger of sustaining the Loss of a considerable sum of Money by the want of a proper provision in the Act entitled, "An Act for rendering Processes in Law less expensive," to prosecute any Actions and Suits against absconding Debtors, their Factors or Agents, and praying that he may be authorized to commence any such Action or Suit against any absconding Debtor, his Factor, Agent, Trustee or Attorney, and the same to prosecute to final Judgment and Execution, in like manner and form, as he might have done in Virtue of the Laws of this Commonwealth in such Cases provided, had not the above mentioned Act been made, any thing therein to the contrary notwithstanding.

Resolved that the Prayer of the said Petition be granted.

February 26, 1787.

Chapter 53.

- Chap. 53* RESOLVE OF THE HOUSE, REQUESTING THE GOVERNOR WITH ADVICE OF COUNCIL, TO TAKE SUCH MEASURES WITH CAPT. MOSES HARVEY, AS HE MAY THINK PROPER.

The Governour having informed the House that Captain *Moses Harvey*, a member of this House, is now in custody, on suspicion of favouring the present rebellion :

Resolved, as the sense of this House, that His Excellency the Governour, with the advice of Council, be requested to take such measures respecting the said Capt. *Moses Harvey*, as His Excellency may think proper, the said *Harvey's* being a member of this House notwithstanding.

February 26, 1787.

Chapter 54.*

- Chap. 54* RESOLVE DIRECTING THE PLANTATIONS CALLED *BROWN-FIELD*, AND *FRANCISBORO'* IN THE COUNTY OF *YORK*, OF *RAYMONDSTON*, *OTISFIELD*, *BRIDGETON*, IN THE COUNTY OF *CUMBERLAND*, AND OF THE PLANTATIONS OF *CANAAN*, No. 1, No. 3. No. 4, No. 5, No. 6, AND No. 22, IN THE COUNTY OF *LINCOLN*, TO CHOOSE THREE MEET PERSONS AS ASSESSORS IN EACH OF SAID PLANTATIONS, IN *MARCH* OR *APRIL* NEXT, TO TAKE A VALUATION OF ALL THE RATEABLE ESTATE OF EVERY PERSON IN THEIR RESPECTIVE PLANTATIONS, AND THE SHERIFFS OF THE COUNTIES OF *YORK* AND *CUMBERLAND*, TO STAY EXECUTIONS; AND THE SECRETARY IS DIRECTED TO SEND A COPY OF THIS RESOLVE TO EACH OF THE PLANTATIONS.

Resolved, That the plantations called *Brownfield* and *Francisboro'* in the County of *York*; of *Raymondston*, *Otisfield* and *Bridgeton*, in the County of *Cumberland*, and the plantations of *Canaan*, No. 1, No. 3, No. 4, No. 5, No. 6, and No. 22, in the County of *Lincoln*, be, and they hereby are directed, to choose three meet persons, as assessors in each of the said Plantations, in the month of *March* or *April* next, who are hereby ordered, after having been sworn faithfully to discharge the trust hereby assigned them, to take a valuation of all the rateable estate of every person in their respective plantations, also the number of polls, agreeably to the schedule, on which the last valuation was taken, and to require the same to be given on oath where they shall judge it necessary, which oath they are impowered to administer; and the same to return into the Secretary's Office, on or before

* Taken from court record.

the last day of *May* next, in order that the General Court may be enabled to make such abatements as the circumstances of the plantations aforesaid, and the situation of the Commonwealth, may require.

And it is further *Resolved*, that the Sheriffs of the Counties of *York* and *Cumberland*, are hereby directed in the mean time to stay the executions they severally have against the Plantations of *Raymondston*, *Brownfield*, and *Bridgeton*, for taxes. And the Secretary is hereby directed to send a copy of this resolve to each of the plantations named therein, together with a copy of the schedule, by which the last valuation was required to be returned.

February 27, 1787.

Chapter 55.

RESOLVE ON THE PETITION OF *EBENEZER TORREY*, DISCHARGING HIM OF THE PENALTY, ON CONDITION THAT HE PAY WITHIN ONE MONTH FROM THIS DATE, *FIFTY POUNDS* IN CONSOLIDATED SECURITIES.

Chap. 55

On the petition of *Ebenezer Torrey*, praying to be released from the penalty of *fifty pounds*, in curred by the non appearance of *Joseph Mann Chever*, at the Supreme Judicial Court at *Boston*, in *February* last past, (the said *Joseph* being charged with a criminal offence) for whose appearance, the said *Ebenezer* was surety, and from which charge, the prosecutor released the said *Cheever*, so far as it Related to three fold Damages.

Resolved, that the prayer of the said petition be so far granted, that the said *Ebenezer Torrey*, be, and hereby is discharged of the said Penalty, on condition that he shall pay into the Treasury office of this Commonwealth, within one month from this date, *fifty pounds* in the consolidated securities of this Commonwealth, and take duplicate receipts for the same, one of which to be lodged in the Secretary's Office.

February 27, 1787.

Chapter 56.

RESOLVE AUTHORIZING ANY TWO JUSTICES OF THE PEACE, *QUORUM UNUS*, TO ADMIT TO BAIL ANY PERSONS CONFINED IN THE GOAL IN THE COUNTIES OF *WORCESTER*, *HAMPSHIRE* AND *BERKSHIRE*, BEING THERETO REQUESTED BY ANY COMMANDING OFFICER IN EITHER OF SAID COUNTIES, WITH A PROVISIO.

Chap. 56

Whereas it is expedient, under the present circumstances, that some persons be admitted to bail, who have

been or may be confined in Goal in the Counties of *Hampshire*, *Worcester* and *Berkshire*, for treason or misprison of Treason :

Resolved that any two Justices of the Peace, *quorum unus*, in either of the Counties abovementioned, be, and they hereby are authorised and empowered, if they shall think it expedient, and shall be thereto requested by any General Officer commanding the troops in either of the said Counties, to admit to bail, any person confined or that may be confined as aforesaid, whose liberty shall not be tho't dangerous to the public safety, such persons procuring sufficient sureties for their appearance at the Supreme Judicial Court, next to be holden in such County, and for their keeping the Peace, and being of good behaviour in the mean time.

Provided nevertheless, that nothing in this resolve shall be taken to authorize the enlargement of any person confined by warrant issued by the Governour with advice of the Council.

February 27, 1787.

Chapter 57.

Chap. 57 RESOLVE ALLOWING THE TREASURER'S ACCOUNTS FOR THE COUNTY OF YORK.

Whereas it appears upon Examination of the Treasurer's Accounts for the County of *York*, that they are right cast and well vouched, to *August A. D.* 1786, and that the monies therein charged were applied for purposes by Law allowed : Therefore

Resolved, That the said Accounts be accepted and allowed.

February 27, 1787.

Chapter 58.

Chap. 58 GRANT OF FIFTY POUNDS TO GENERAL SHEPARD, OUT OF THE MONEY BORROWED OF THE BANK FOR SUNDRY EXPENDITURES.

Resolved, that his Excellency the Governor be, and he Hereby is requested, to send to Major General *Shepard*, fifty pounds in Specie, from the loan of fifteen hundred pounds, which was obtained for the purpose of enlisting of One thousand men ; said *Shepard*, to be accountable therefor.

February 27, 1787.

Chapter 59.

RESOLVE ON THE PETITION OF JONATHAN HAMILTON, EM-
POWERING JOHN HILL, ESQ; TO PERAMBULATE THE LINES
BETWEEN SHAPLEIGH, AND SEVERAL STRIPS AND GORES
OF LAND DESCRIBED IN A PLAN, REPORTED IN MARCH, 1784,
AND TO EXAMINE INTO ALL TRESPASSES, ILLEGAL ENTRIES,
&c. AND ALSO THE LINE BETWEEN LEBANON, &c. Chap. 59

Resolved, That John Hill, Esqr; be, and He is hereby empowered and directed, to perambulate the Lines between Shapleigh, and several Strips or Gores of Land described in a Plan reported to the General Court, in March, 1784, by the Committee appointed by a Resolve of May first, 1781, to examine into all Trespases and illegal Entries, &c. as being Lands then belonging to this Commonwealth, and also the Line between Lebanon, and one of the said Gores, in which are contained Lands sold by a Committee of the General Court to Samuel Andrews and others; And the said Hill, is directed to ascertain the Contents of the last mentioned Strip or Gore, and of one other Gore, in which are contained Lands sold by the said last mentioned Committee to Morrison and others; and to employ some able and disinterested Surveyor in the said Business, who shall be under Oath, in order more fully to determine the real Quantity of the two last mentioned Strips, and Gores, and more particularly the Contents of the Lands, sold by the said last mentioned Committee to the said Sam^l Andrews and to Jonathan Hamilton; And the said Hill is further directed, to appoint a Time for the running of the said Lines, and to give Notice thereof to the Selectmen of Shapleigh and Lebanon, at least Ten Days beforehand, And to make Report of his Doings to the next General Court, sometime in its first Sitting.

And the Secretary is directed to furnish the said Hill, with a Copy of the Plan above referred to, and of this Resolve.

February 28, 1787.

Chapter 60.

RESOLVE ON THE PETITION OF THOMAS PORTER, DIRECTING
THE TREASURER TO RECALL THE EXECUTION MENTIONED. Chap. 60

On the Petition of Thomas Porter, praying that he may be discharged from a Fine of *Eighty five Pounds thirteen shillings*, for reasons set forth in said Petition.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to recall the Execution issued against the said *Thomas Porter*, and to proceed no further thereon, till y^e further Order of this Court; *provided*, That he the said *Thomas*, shall Pay the Charge that has arisen.

February 28, 1787.

Chapter 61.

Chap. 61 RESOLVE ESTABLISHING THE PAY OF CAVALRY AND ARTILLERY, CALLED INTO THE SERVICE OF GOVERNMENT.

The Committee of both Houses, appointed to report an establishment for the Officers called into service, ask permission to report further as follows.

STEPHEN CHOATE, per order.

Resolved, That whenever the Cavalry and Artillery, or any detachment thereof, are called into service, the Officers & Soldiers shall be paid for each month they shall continue in service, & in proportion for a longer or shorter term, agreeably to the following establishment: and the Officers shall respectively be allowed the same Rations, as were allowed to Officers of the same rank in the Continental army, in the late War, *viz.*

ESTABLISHMENT FOR THE PAY OF THE CAVALRY.

	£.	s.	d.		£.	s.	d.
Colonel, ...	18	15	0	Lt. Colonel, ...	15	0	0
Major, ...	12	0	0	Captain, ...	10	0	0
First & Second Lieutenants each, ...	6	13	4	Cornet, ...	5	6	8
Adjutant, ...	6	13	4	Quarter Master, ...	6	13	4
Trumpet Major, ...	3	6	8	Surgeon, ...	12	0	0
Surgeon's Mate, ...	8	0	0	Serjeant, ...	3	15	0
Trumpeter, ...	3	0	0	Private, ...	2	10	0

ESTABLISHMENT FOR THE PAY OF THE ARTILLERY.

Colonel, ...	20	0	0	Lieutenant Colonel, ...	15	0	0
Major, ...	12	10	0	Captain, ...	10	0	0
Captain Lieutenant, ...	6	13	4	First Lieutenant, ...	6	13	4
Second Lieutenant, ...	6	13	4	Adjutant, ...	6	13	4
Quarter Master, ...	6	13	4	Surgeon, ...	12	0	0
Surgeon's Mate, ...	8	0	0	Serjeant Major, ...	3	8	0
Quarter Master Serjeant, ...	3	8	0	Drum Major, ...	3	10	0
Fife Major, ...	3	10	0	Serjeant, ...	3	0	0
Bombardier, ...	2	14	0	Drummer, ...	2	12	0
Fifer, ...	2	12	0	Cannoneer, ...	2	10	0

Resolved, that Pay Rolls be made out for such Officers & soldiers belonging to the Militia, as have been, or may hereafter be called into service, attested by proper Officers upon Oath, and presented to the Governor & Council for examination & allowance; And that the sums due to the Officers & Soldiers, whose names shall be borne upon such Rolls, shall be paid out of the publick Treasury, in manner heretofore practiced in paying Officers & soldiers who have been employed in the service of this Commonwealth.

February 28, 1787.

REPORT OF COMMITTEE RELATIVE TO SETTLEMENT OF CONTROVERSY BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW YORK, RESPECTING LANDS LYING TO THE WESTWARD OF HUDSON'S RIVER.

[The following report was printed in previous editions at the end of May session 1787. Taken from court record.]

The Committee of both Houses appointed to consider the Governor's message of the 13th inst. relative to the settlement of a controversy between this Commonwealth and *New York*, respecting lands lying to the westward of *Hudson's River*, made by the Commissioners appointed for that purpose, together with the papers accompanying have attended that service.

Your Committee have examined the agreement entered into and signed by the said Commissioners, and the plan descriptive of the lands in question, and find, that the right of this Commonwealth, to a large tract of land containing many millions of acres, is by the said agreement clearly established.

That this controversy, which has been long in its duration; intricate in its nature, as well as important in its consequences, has been conducted, and finally closed, in an amicable manner, and by mutual agreement, is a pleasing circumstance, and will, we trust, contribute to cherish and maintain friendship and harmony between this, and our sister State: And the Commissioners on our part, in conducting this important business, are, in the opinion of your Committee, justly entitled to the approbation of the General Court.

Your Committee apprehend it necessary that the agreement above referred to, be printed with the resolves of the present session, and also recorded, with the commission from Governor *Clinton*, in the Secretary's office, and

there lodged, together with the afore-mentioned plan; and that it will be expedient hereafter, to appoint a Superintendent, as well to superintend the purchase of Indian rights, as to investigate the situation, quality, value and contents of said lands, and to give information to the General Court from time to time respecting the same. The resolve relative to the release of certain lands included in the aforesaid agreement, your Committee have not considered, as they found that *Samuel Brown* had preferred a petition to the General Court, on the subject matter of it.

As the running and ascertaining the line of jurisdiction, between this State and *New York*, is not compleated, as appears by the letter of Doctor *Samuel Williams*, accompanying the said message, and the powers given to the Commissioners appointed by Congress, relative thereto, will expire on the 7th of *March* next, we conceive it expedient, that a bill be brought in for extending their powers to a further time. — All which is submitted.

COTTON TUFTS, per order.

Read and accepted.

AGREEMENT ENTERED INTO BY THE COMMISSIONERS, APPOINTED TO SETTLE THE CONTROVERSY BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW YORK, RESPECTING LANDS LYING WESTWARD OF HUDSON'S RIVER.

To all to whom these Presents shall come,

The underwritten John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, agents or commissioners appointed by the Commonwealth of Massachusetts, of the one part, and the underwritten James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, six of the agents or commissioners appointed by the State of New York, of the other part;

SEND GREETING.

Whereas the Commonwealth of *Massachusetts*, did, heretofore present a petition to the United States in Congress assembled, thereby among other things, stating, that all that territory which in the said petition is described as all that part of *New England* in *America*, which lieth and extendeth between a great river, called *Merrimac*, and a certain other river there, called *Charles River*, being the

bottom of a bay there called *Massachusetts Bay*; and also, all those lands lying within three English miles to the southward of the southermost part of the said bay, and extending thence northward in latitude to northward of every part of the said river *Merrimac*, and in breadth of latitude aforesaid, extending throughout all the main land, in longitude westwardly to the southern ocean, was the just and proper right of the said Commonwealth, and farther stating, That the State of *New York* had set up a claim to some part of the land beforementioned, the said Commonwealth did, therefore, by the said petition, solemnly request of the United States in Congress, that Commissioners might be appointed for enquiring into and determining upon the claim aforesaid, of the Legislature of the said Commonwealth, and that such other proceedings respecting the premises, might be had as are by the federal government of the said United States, in such case made and provided, as by the said petition filed among the archives of the United States, reference being thereunto had, may more fully appear: And whereas, the State of *New York* doth, in opposition to the said claim of the Commonwealth of *Massachusetts*, claim as the just and proper right of the said State, as well in respect of property, as jurisdiction, all those lands and territories bounded on the north, by the parallel of latitude passing through the said point, place or boundary aforesaid, of three miles to the northward of every part of the said river *Merrimac*, and bounded on the south, by the parallel of latitude passing through the said point or place, situate three miles south of the southermost part of the said bay, called *Massachusetts Bay*, bounded on the west by the limits between the United States and the King of *Great Britain*, and the line of cession from the State of *New York*, to the United States, and bounded on the east by the line agreed on, and established between the late colony of the *Massachusetts Bay*, and the late colony of *New York*, in the year one thousand seven hundred and seventy-three, and from the northern termination of the said line then bounded on the east by the west bank of *Connecticut River*: And whereas, the State of *New York* having been duly notified, did appear by their lawful agents to vindicate such their said right against the said claim of the said Commonwealth; and proceedings were thereupon had in Congress, pursuant to the articles of confederation, in order to the

appointment of Commissioners or Judges to constitute a Court for hearing and determining the said matters in question: And whereas, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, were afterwards, by a certain commission under the seal of the said Commonwealth, and bearing date the twenty-sixth day of *April*, in the ninth year of the independence of the United States, and made in pursuance of an act of the Legislature of the said Commonwealth, passed the fourteenth day of *March*, in the eighth year of the independence of the United States, and of a resolution of the said Legislature, passed the eighteenth day of the said month of *March* — commissioned to be Agents to manage, conduct and prosecute the claims of the said Commonwealth, to the lands described in the said petition: And whereas, afterwards and pending such proceedings in Congress, the Legislature of the Commonwealth of *Massachusetts*, did, by an act entitled an act empowering the Agents appointed by their government to defend the territory on the west side of *Hudson's River*, against the claims of the State of *New York*, to settle the controversy relative thereto, otherwise than by a federal Court, if they shall judge it expedient, enact, That the major part of the said Agents or Commissioners should be fully authorized and empowered to agree with the Agents or Commissioners of the State of *New York*, and settle the controversy respecting the territory aforesaid, by a federal Court as appointed by virtue of the confederation, or otherwise in such way and manner as they should judge would comport with justice and the interest of the said Commonwealth; and the Legislature of the State of *New York*, did, by an act entitled, “An act supplementary to the act entitled an act to appoint Agents or Commissioners for vindicating the right and jurisdiction of this State against the claims of the Commonwealth of *Massachusetts*, pursuant to the articles of confederation and perpetual union of the United States,” among other things enact, that it should be lawful for the said *James Duane*, *Robert R. Livingston*, *Egbert Benson*, *John Haring*, *Melancton Smith*, and *Robert Yates* and also, *John Lansing*, jun. or any five or more of them, to settle the said controversy between the said State of *New York*, and the said Commonwealth of *Massachusetts*, otherwise than by the said federal Court, in such manner as they should judge most conducive to the interest of the

said State, as by the said commission and the said several acts relation being thereunto had may appear.

Now therefore knew ye, That the underwritten Commissioners on the part of the Commonwealth of *Massachusetts* and the State of *New York* respectively, having by mutual consent assembled at the city of *Hartford* in the state of *Connecticut*, on the thirtieth day of *November* last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers, and declared the same legal and sufficient after several conferences, and to the end that all interfering claims and controversies between the said Commonwealth of *Massachusetts* and the said State of *New York*, as well in respect of jurisdiction as property, may be finally settled and extinguished, and peace and harmony forever established between them on the most solid foundation — HAVE AGREED, and by these Presents, do mutually for and in behalf of the said Commonwealth of *Massachusetts* and the said State of *New York*, by whom respectively they the said Commissioners have been so appointed and authorized as aforesaid, agree to the mutual cessions, grants, releases and other provisions following, that is to say,

First. The Commonwealth of *Massachusetts* doth hereby cede, grant, release and confirm to the State of *New York* forever, all the claim, right and title which the Commonwealth of *Massachusetts* hath to the government, sovereignty, and jurisdiction of the lands and territories so claimed by the State of *New York*, as herein before stated and particularly specified.

Secondly. The State of *New York* doth hereby cede, grant, release and confirm to the Commonwealth of *Massachusetts*, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, (the right and title of government, sovereignty and jurisdiction excepted) which the State of *New York*, hath of, in, or to two hundred and thirty thousand and four hundred acres, to be located by the Commonwealth of *Massachusetts*, and to be situate to the northward of, and adjoining to the lands granted respectively to *Daniel Cox* and *Robert Lettice Hooper*, and their respective associates, and between the rivers *Owego* and *Chenengo*. And also, of, in or to all the lands and territories within the following limits and

bounds, that is to say : Beginning in the north boundary line of the State of *Pennsylvania*, in the parrallel of forty-two degrees of north latitude, at a point distant eighty-two miles west from the northeast corner of the State of *Pennsylvania*, on *Delaware River*, as the said boundary-line hath been run and marked by the Commissioners appointed by the States of *Pennsylvania* and *New York* respectively, and from the said point or place of beginning, running on a due meridian north to the boundary line between the United States of *America* and the King of *Great Britain*; thence westerly and southerly along the said boundary line, to a meridian which will pass one mile due east from the northern termination of the Streight or waters between *Lake Ontario* and *Lake Erie*; thence south along the said meridian, to the south shore of *Lake Ontario*; thence on the eastern side of the said Streight, by a line always one mile distant from and parrallel to the said Streight, to *Lake Erie*; thence due west to the boundary line between the United States and the King of *Great Britain*; thence along the said boundary line, until it meets with the line of cession from the State of *New York* to the United States; thence along the said line of cession, to the northwest corner of the State of *Pennsylvania*; and thence east along the northern boundary line of the State of *Pennsylvania* to the said place of beginning : And which said lands and territories so ceded, granted, released and confirmed, are parcel of the lands and territories described in the said petition.

Thirdly. The Commonwealth of *Massachusetts* doth hereby cede, grant release and confirm to the State of *New York*, and to the use of the State of *New York*, their grantees and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, which the Commonwealth of *Massachusetts* hath of, in or to the residue of the lands and territories so claimed by the State of *New York* as herein before stated, and particularly specified.

Fourthly. That the lands so ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, or such part thereof as shall from time to time be and remain the property of the Commonwealth of *Massachusetts*, shall during the time that the same shall so be and remain such property, be free and exempt from all taxes whatsoever,

and that no general or State tax shall be charged on, or collected from the lands hereafter to be granted by the Commonwealth of *Massachusetts*, or on the occupants or proprietors of such lands, until fifteen years after such confirmation, as is hereinafter mentioned, of such grants, shall have expired; but that the lands so to be granted, and the occupants thereof, shall, during the said period, be subject to town or county charges or taxes only; *provided*, That this exemption from general or State taxes, shall not be construed to extend to such duties, excises or imposts, to which the other inhabitants of the State of *New York*, shall be subject and liable.

Fifthly, That no rents or services shall be reserved in any grants to be made of the said lands by the Commonwealth of *Massachusetts*.

Sixthly, That the inhabitants on the said lands and territories, being citizens of any of the United States, holding by grants from the Commonwealth of *Massachusetts*, shall be entitled to equal rights with the other citizens of the State of *New York*; and further, that the citizens of the Commonwealth of *Massachusetts* shall, from time to time, and at all times hereafter, have and enjoy the same and equal rights, respecting the navigation and fishery on and in *Lake Ontario* and *Lake Erie*, and the waters communicating from the one to the other of the said lakes, and respecting the roads and portages between the said lakes, as shall from time to time be had and enjoyed by the citizens of the State of *New York*; and the citizens of the Commonwealth of *Massachusetts* shall not be subject to any other regulations, or greater tolls or duties to be made or imposed from time to time by the State of *New York*, respecting the premises, than the citizens of the State of *New York* shall be subject to.

Seventhly, That no adverse possession of the said lands for any length of time, shall be adjudged a disseizen of the Commonwealth of *Massachusetts*.

Eighthly, That the State of *New York*, so long as any part of the said lands shall be, and remain the property of the Commonwealth of *Massachusetts*, shall not cede, relinquish or in any manner divest themselves of the government and jurisdiction of the said lands or any part thereof, without the consent of the Commonwealth of *Massachusetts*.

Ninthly. That the Commonwealth of *Massachusetts*

may from time to time, by persons to be by them authorized for the purpose, hold treaties and conferences with the native Indians, relative to the property or right of soil of the said lands and territories hereby ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, and with such armed force as they shall deem necessary for the more effectual holding such treaty or conference; and the Commonwealth of *Massachusetts*, within six months after such treaties shall respectively be made, shall cause copies thereof to be deposited in the office of the Secretary of the State of *New York*.

Tenthly. The Commonwealth of *Massachusetts* may grant the right of pre-emption of the whole or of any part of the said lands and territories to any person or persons, who by virtue of such grant, shall have good right to extinguish by purchase, the claims of the native Indians: *Provided*, however, that no purchase from the native Indians by any such grantee or grantees, shall be valid, unless the same shall be made in the presence of, and approved by a superintendant to be appointed for such purpose by the Commonwealth of *Massachusetts*, and having no interest in such purchase; and unless such purchase shall be confirmed by the Commonwealth of *Massachusetts*.

Eleventhly. That the grantees of the said lands and territories under the Commonwealth of *Massachusetts*, shall within six months after the confirmation of their respective grants, cause such grants or the confirmation thereof, or copies of such grants or confirmations certified or exemplified under the seal of the Commonwealth of *Massachusetts*, to be deposited in the said office of the Secretary of the State of *New York*, to the end that the same may be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said Secretary their respective grants or confirmations, or the copies thereof which soever may have been so deposited, without any charges or fees of office whatsoever, and every grant or confirmation which shall not, or of which shall not be so deposited, shall be adjudged void.

In Testimony Whereof, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, for and in the name and behalf of the said Commonwealth of *Massachusetts*; and the said *James Duane*, *Robert R. Livingston*,

Robert Yates, John Haring, Melancton Smith and Egbert Benson, for and in the name and on behalf of the said State of *New York*, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands, and affixed their seals; done at the city of *Hartford* aforesaid, the sixteenth day of *December*, in the year of our Lord one thousand seven hundred and eighty-six, and the eleventh year of the Independence of the United States of *America*.

<i>John Lowell,</i>	(L. S.)
<i>James Sullivan,</i>	(L. S.)
<i>Theophilus Parsons,</i>	(L. S.)
<i>Rufus King,</i>	(L. S.)
<i>James Duane,</i>	(L. S.)
<i>Robert R. Livingston,</i>	(L. S.)
<i>Robert Yates,</i>	(L. S.)
<i>John Haring,</i>	(L. S.)
<i>Melancton Smith,</i>	(L. S.)
<i>Egbert Benson,</i>	(L. S.)

Witness present at the sealing and delivery; *George Wyllys, Thomas Seymour, Jesse Root, Jeremiah Wadsworth, D. Humphreys, William Inlay, Joseph Webb, Simeon de Witt, Lewis du Boys, Nathaniel Bethune.*

Chapter 62.*

Chap. 62

[January Session, ch. 62, 1786.]

Chapter 63.

RESOLVE GRANTING ONE HUNDRED AND THIRTY TWO POUNDS
TWELVE SHILLINGS AND TWO PENCE, TO THE AMERICAN
ACADEMY OF ARTS AND SCIENCES, FOR CERTAIN PURPOSES
MENTIONED. Chap. 63

On the Memorial of the President and Council of the American Academy of Arts and Sciences :

Resolved, That, for the reasons set forth in said Memorial, there be paid out of the State treasury, by Warrant from the Governor and Council, *One hundred and thirty two pounds, twelve shillings and two pence*, Lawful money, to be applied to the Purposes, and in the manner expressed in said Memorial, which, with *twenty seven pounds*

* Governor's message, see end of volume.

seven shillings and ten pence, already expended, is in lieu of *three hundred pounds* New Emission Money, granted to said Academy, by a Resolve passed the sixth of *July* 1781.

March 1, 1787.

Chapter 64.

Chap. 64 RESOLVE FOR PAYING *FIFTY POUNDS* TO EACH OF THE JUSTICES OF THE SUPREME JUDICIAL COURT, AND *THIRTY POUNDS* TO THE ATTORNEY GENERAL, TO BE PAID OUT OF THE MONIES FOR SUBSISTING THE TROOPS.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to the Justices of the Supreme Judicial Court, The sum of *fifty pounds* each to enable them to proceed to the Western Counties agreeably to an Act passed the present Session of the General Court, they to be respectively Accountable for the same.

Also *Resolved* that there be paid out of the Treasury aforesaid, To *Robert Treat Paine*, Esquire; the attorney General, The sum of *thirty pounds*, he to be accountable for the same; And the Treasurer is hereby directed to pay the aforesaid Sums out of the Money raised to pay and subside the Troops employed in subduing the present Rebellion.

March 1, 1787.

Chapter 65.

Chap. 65 RESOLVE ON THE PETITION OF *ISAIAH THOMAS*, DIRECTING THE TREASURER TO WITHDRAW THE ACTION COMMENCED AGAINST HIM.

On the Petition of *Isaiah Thomas*, setting forth, that *Thomas Ivers*, Esqr; Receiver general of this Commonwealth, has Commenced an Action against him at the Court of Common Pleas, in the County of *Suffolk*, on the first Tuesday of *January*, 1786, which action is now pending, for a certain note or obligation given to the late Treasurer *Gardner*, in *June* 1775, for the Sum of *Thirty Six pounds*, and praying for Relief therein: for reasons set forth in said petition,

Resolved that the Treasurer of this Commonwealth be, and he hereby is Directed to cease and with draw the Action Commenced against *Isaiah Thomas*, for *thirty six pounds*, Lawful money at the Court of Common Pleas, in the County of *Suffolk*, and Deliver up the Said Obligation to the Said *Isaiah Thomas*.

March 1, 1787.

Chapter 66.

RESOLVE GRANTING SIX POUNDS EIGHT SHILLINGS AND TWO PENCE, TO JOHN HILL, ESQ; A BALANCE DUE TO THE COMMITTEE FOR SELLING LAND IN THE COUNTY OF YORK. Chap. 66

Resolved that there be allowed and paid unto *John Hill*, Esq; out of the publick Treasury, from that part of the Specie Tax, No. 5, appropriated for the Support of Government, the Sum of *Six Pounds, Eight Shillings and Two Pence*, which will be in full for the balance due to the Committee for the Sale of certain Strips and Gores of Land in the County of *York*, as by their Account exhibited to the General Court, *Feby. 21, 1787.*

March 1, 1787.

Chapter 67.

RESOLVE ON THE PETITION OF DAVID PEARCE, DIRECTING THE COLLECTOR TO DELIVER THE SHALLOP AND SUGAR, HE PAYING COSTS. Chap. 67

On the Petition of *David Pearce*, praying that the Shallop called *Polly*, with twenty one Barrels of Sugar, lately seized by the Collector of Impost and Excise for the County of *Suffolk*, may be delivered up to him, for Reasons set forth in his said Petition :

Resolved, that the said Collector, be, and he is hereby authorized and directed, to deliver the said Shallop and sugar, to the said *Pearce*, or his order, he paying the legal costs that may have arisen in consequence of the said Seizure, and that all further Prosecution thereon shall cease.

March 1, 1787.

Chapter 68.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF WORCESTER; AND GRANTING A TAX. Chap. 68

Whereas it appears upon examination of the Treasurer's Accounts for the County of *Worcester*, that all the monies granted and allowed by the Court of General Sessions of the Peace for the Said County, Were expended for Such Purposes as are Authorized by Law :

Therefore *Resolved*, that the Said Accounts be allowed.

And Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the

Said County, made on the first Tuesday of *December*, A. D. 1786, That the Sum of *Sixteen Hundred and Sixty Pounds*, will be Necessary for Defraying the Charges of the Said County for the year Next ensuing.

Therefore *Resolved*, that there be, and hereby is granted a Tax of *Sixteen Hundred and Sixty Pounds*, to be Apportioned and Assessed on the Inhabitants of the Said County and Estates lying within the Same, and Collected, paid and Applied for the use of the Said County, According to the laws of the Common Wealth. *March 1, 1787.*

Chapter 69.

Chap. 69 RESOLVE ON THE PETITION OF JOHN AVERY, JUN. ESQ; SECRETARY, GRANTING HIM ONE HUNDRED AND TEN POUNDS FOR HIS SERVICES FROM JUNE, 1785, TO JUNE, 1786.

Resolved That there be paid out of the publick Treasury, to *John Avery*, junr. Esqr; Secretary of this Commonwealth, the sum of *one hundred and ten pounds*, which in addition to the sum of *one hundred and forty pounds*, which he has received as fees in his Office, shall be in full for his services from the first day of *June*, 1785, to the first day of *June*, 1786. *March 1, 1787.*

Chapter 70.

Chap. 70 RESOLVE ON THE PETITION OF JOHN BISCO, TO ENTER A COMPLAINT FOR THE AFFIRMATION OF A CERTAIN JUDGMENT AT THE SUPREME JUDICIAL COURT; HE GIVING NOTICE TO AARON HUNT THEREOF.

On the Petition of *John Bisco*, of *Spencer*, in the County of *Worcester*, praying for liberty to enter a complaint for the affirmation of Judgment against one *Aaron Hunt*, of s^d *Spencer*, at the next Supreme Judicial Court, to be holden at *Worcester*, within and for the County of *Worcester*, on the tuesday next preceeding the last tuesday of *April* next:

Resolved that the said *John* have liberty to enter a Complaint for the affirmation of the said Judgment at the said next Supreme Judicial Court; and the Justices of the s^d Court are hereby authorized to sustain, and take cognizance of the same, and to affirm the s^d Judgment, if they see cause, and to have the same proceedings thereon, as if the complaint had been on an appeal to the said

Court in the regular and ordinary course of law: The petitioner giving notice to the said *Aaron*, fourteen days previous to the setting of the s^d Court. *March 1, 1787.*

Chapter 71.

RESOLVE ON THE PETITION OF *JOHN MOORE.*

Chap. 71

On the Petition of *John Moore*, praying that he may be allowed to discharge an Execution against him, in favour of the Commonwealth, for the sum of *seventy five pounds*, either in Goods at an apprized Value, or in public securities:

Resolved, That the Prayer of the Petition be so far granted, that the Petitioner paying Costs of Court and Sherriff's Fees in Specie, be permitted to pay and discharge said Execution, in the securities of this Commonwealth, that are now become payable. *March 2, 1787.*

Chapter 72.

RESOLVE ON THE PETITION OF *JEREMIAH HILL*, ESQ; IN BEHALF OF *AARON GRAY*, DIRECTING THE TREASURER TO PAY SAID *HILL*, AND *JOHN SMITH*, THE SUMS, WHICH APPEAR DUE ON THE SEVERAL FORGED ORDERS.

Chap. 72

On the Petition of *Jeremiah Hill*, Esqr; in behalf of *Aaron Gray* and *Jacob Hooper*, also on the Petition of *John Smith*, representing that their wages, amounting to *one hundred and fifty four pounds six shillings*, have been paid on a forged Receipt and two forged orders, and praying the Consideration of this Court:

Resolved, that the treasurer be, and he is hereby directed, to pay out of the public Treasury to the said *Aaron Gray*, *Jacob Hooper* and *John Smith*, or order, the Sums which may appear to be severally due to them, in the same manner as he would have done if the wages had not been paid on the Receipt and orders aforesaid.

March 2, 1787.

Chapter 73.

RESOLVE FOR THE ABATEMENT OF A FINE LAID UPON THE TOWN OF *LYNN.*

Chap. 73

On the petition of *John Carnes*, in behalf of the Town of *Lynn* and district of *Lynnfield*:

Resolved, That the sum of *four hundred and Sixteen*

pounds, be, and hereby is abated to the Town of *Lynn*, and district of *Lynnfield*, out of the Tax No. 3, for the year 1783, according to the proportion they bear to each other, in the said Tax, from the monies due to the Commonwealth, over and above the Sum that *was* abated to the said Town and district the 15th of *March*, 1785, As a fine for the deficiency of Five men, and *forty nine pounds, ten shillings*, being the *Ten pr Cent.* allowed in the Militia Act for the Charge and Trouble attending the Assessing and Collecting of the Quakers money, (so called) in the said Town and District, agreeably to the aforesaid petition.

March 2, 1787.

Chapter 74.

Chap. 74 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *HOLDEN*, EMPOWERING SAID TOWN TO CHOOSE A COLLECTOR TO COMPLEAT THE COLLECTION MENTIONED.

On the Petition of the Selectmen of the Town of *Holden*, representing that *Aaron Broad*, who was chosen Collector of the Publick Taxes for the year 1786, was taken up on a State Warrant, and committed to Prison, and praying the said Town may be empowered to choose another Collector or Collectors, to Collect the said Taxes: for reasons set forth in the said Petition,

Resolved, that the said Town of *Holden*, be, and they are hereby empowered, to Choose a Collector or Collectors to complete the collection of the Taxes committed to the said *Aaron Broad*, at the annual Meeting to be held in the Months of *March*, or *April*, or at any other legal Meeting duly warned by such person, as the Selectmen shall appoint for that purpose.

March 2, 1787.

Chapter 75.

Chap. 75 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *WOOLWICH*, ABATING THE LAST PAPER TAX IN SAID TOWN, AND DIRECTING THE TREASURER IN THIS CASE.

On the Petition of the Selectmen of the town of *Woolwich*, in the County of *Lincoln*, praying for the abatement of the Last Paper tax of the old Emission, and for Beef taxes yet unpaid, as Set forth in their Petition:

Resolved, that the prayer of Said petition be So far Granted, as that there be abated to Said town the paper-

tax aforesaid, Consolidated to *Eighty Six pounds ten shillings*; also the further Sum of *Sixty three pounds ten Shillings*, on Two Beef taxes, both amounting to the Sum of *one Hundred and fifty pounds*; and the Treasurer is hereby directed to Govern himself accordingly; any Law or Resolve to the Conterary notwithstanding.

March 2, 1787.

Chapter 76.

RESOLVE ON THE PETITION OF *DUMMER SEWALL*, GRANTING HIM *EIGHTEEN POUNDS*. Chap. 76

On the Petition of *Dummer Sewall*, Setting Fourth, that he Served as a muster Master, in the County of *Lincoln*, and Praying for an allowance for Said Services :

Resolved, that there be allowed and paid to *Dummer Sewall*, out of the treasury of this Commonwealth, the Sum of *Eighteen pound thirteen Shillings*, which is in full for his Services as aforesaid.

March 2, 1787.

Chapter 77.

RESOLVE ON THE PETITION OF *CHARLES KNOWLES*, AND OTHERS, LATE REGIMENTAL PAYMASTERS FOR THIS STATE'S QUOTA OF THE CONTINENTAL ARMY, GRANTING THEM *ONE HUNDRED AND TWENTY POUNDS EACH*. Chap. 77

On the Petition of *Charles Knowles* and others, late Regimental Paymasters for this State's line of the Continental Army, appointed agreeably to Resolves of Congress of *November 3^d*, 1783, and *May 27th*, 1785 :

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to the said *Charles Knowles*, *Samuel Mellish*, *Robert Williams*, *Nath^l Coit Allen*, *Benjamin Haywood*, *Samuel Armstrong*, *Joseph Tucker* and *Thomas Hollis Condry*, the sum of *One hundred and Twenty pounds* each, in full Compensation, for their time, Travel and Expences, in performing the Business of their Several appointments, as aforesaid — And that the same be Charged to the United States.

March 2, 1787.

Chapter 78.

RESOLVE ON THE PETITION OF *JOHN HUNT*, DECLARING VALID A CERTAIN JUDGMENT. Chap. 78

On the Petition of *John Hunt*, praying, for Reasons set forth in said Petition, that a Judgment be recovered against

Ezra Jewell, at a Court of Common Pleas holden at *Concord*, within and for the County of *Middlesex* in *March* last, may remain in full force and Virtue, notwithstanding a Resolve passed the General Court the twenty first Day of *Oct* last, vacating the said Judgment, and granting the said *Ezra Jewell* Liberty to re enter said Action at the Court of Common Pleas to be holden at *Cambridge*, within and for said County of *Middlesex*, in *Novr* last.

Resolved, That the said Judgment of Court obtained by the said *John Hunt*, against the said *Ezra Jewell* at the said Court of Common Pleas held at *Concord* as aforesaid, and the Execution and Doings thereon, be, and hereby are declared valid and good in Law to all Intents and Purposes, as it would have been, had not the said Resolve vacating said Judgment, and granting Liberty to re-enter his Action, passed.

March 2, 1787.

Chapter 79.*

Chap. 79 RESOLVE ON THE PETITION OF *JONATHAN MITCHELL*, GRANTING HIM SEVEN POUNDS TWELVE SHILLINGS.

On the Petition of *Jonathan Mitchell*, setting forth, that he served as a Muster Master in the County of *Cumberland*, and praying for an allowance for said services.

Resolved that there be allowed and paid to *Jonathan Mitchell* out of the Treasury of this Commonwealth, the sum of *seven pounds twelve shillings*, which is full for his services as aforesaid.

March 2, 1787.

Chapter 80.

Chap. 80 RESOLVE ON THE PETITION OF *JOHN CHALONER*, GRANTING HIM FIFTEEN POUNDS, AND DIRECTING THE DELEGATES OF THIS STATE IN CONGRESS TO REPRESENT THE CASE OF THE SAID *CHALONER*, THAT A PENSION MAY BE SETTLED UPON HIM.

On the petition of *John Chaloner*, setting forth, that while he was acting in the Capacity of a Serjeant of Artillery, under the command of Major General *Shepard* at *Springfield*, in defence of the *continental* Magazine, he had the misfortune to lose both his Arms, and his Eye Sight, and was otherwise greatly maimed :

Resolved that there be paid out of the Treasury of this

* Taken from court record.

Commonwealth to the said *John Chaloner*, the Sum of *fifteen pounds* in Specie, — and that the expence of curing the wounds of the said *Chaloner*, be paid by this Commonwealth in the first instance.

Resolved, that the Delegates of this Commonwealth in Congress, be, and they are hereby directed, to represent to Congress the miserable Situation to which *John Chaloner* is reduced by the loss of his Arms and his Eye Sight, in the Service aforesaid, and that they endeavour that a suitable pension be settled by Congress on the said *Chaloner*, — and that the Charges incurred on this occasion, may be allowed to this Commonwealth by the United States.

March 3, 1787.

Chapter 81.

ORDER REQUESTING THE GOVERNOR TO WRITE TO GENERAL *Chap. 81*
LINCOLN.

Ordered that his Excellency the Governor be, & he hereby is requested, to acquaint Major General *Lincoln*, that, at this important crisis, it is necessary that he remain in the immediate command of the troops in the western Counties, and to give his directions accordingly.

March 3, 1787.

Chapter 82.

ORDER EXPRESSIVE OF THE GENERAL COURT'S APPROBATION *Chap. 82*
OF THE CONDUCT OF GENERAL *LINCOLN*, AND THE TROOPS
UNDER HIS COMMAND, AND REQUESTING THE GOVERNOUR
TO INFORM HIM THEREOF.

Ordered, that his Excellency the Governor be, & He is hereby requested, to express to Major General *Lincoln*, That the Legislature entertain a high Sense of the Spirit, Patriotism and distinguished Merit of the Officers and Soldiers, who at the Call of their Country, have, with a cheerfulness peculiar to great and good minds, exerted themselves in defence of the Rights & Privileges secured to the Citizens of this Commonwealth by our happy Constitution. The Legislature congratulate their Brethren in Arms, on the success that has crowned their virtuous Exertions for the suppression of the late lawless Insurrection and Rebellion.

March 3, 1787.

Chapter 83.

- Chap. 83* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION CALLED *LEWISTOWN*, DIRECTING THE TREASURER TO CREDIT THE PLANTATION WITH THE SUM MENTIONED.

Resolved that the Prayer of the Petition of the inhabitants of *Lewistown*, be So far Granted, that the Treasurer of this Commonwealth be, and he is hereby Directed, to Credit the Plantation Called *Lewistown*, in the County of *Lincoln*, the Sum of *one hundred and fifty Pounds*, on the Several State Taxes Lying against the Said Plantation, Previous to the year one thousand Seven hundred and eighty four, any Law or resolve to the Contrary notwithstanding.

March 3, 1787.

Chapter 84.

- Chap. 84* RESOLVE ON THE PETITION OF *JEDDIAH JEWETT* AND OTHERS, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *PITTS-
TON*, WITH THE SUM MENTIONED.

Resolved that the Prayer of the Petition of *Jeddiah Jewett* be So far Granted, that the Treasurer of this Commonwealth be, and he is hereby Directed to Credit the Said Town of *Pittston*, the Sum of *one Hundred and fifty five pounds thirteen shillings*, on the Beef Tax, assessed on Said Town, any Law or Resolve to the Contrary notwithstanding.

March 3, 1787.

Chapter 85.

- Chap. 85* RESOLVE EXCUSING ALL PERSONS, WHO ARE PREPARING THEMSELVES BY STUDIES, TO ENTER COLLEGE, FROM ALL MILITARY DUTY, THEY PRODUCING A CERTIFICATE FROM THEIR INSTRUCTORS.

Resolved, That all Persons who are, or may be preparing themselves by Studies, under Instructors of sufficient knowledge in the learned languages, to enter the University at *Cambridge*, or any College, be, and they hereby are excused from all Military duty and service, they producing a Certificate from such Instructor, of their being as aforesaid employed, their Age exceeding sixteen Years notwithstanding.

March 5, 1787.

Chapter 86.

RESOLVE ON THE PETITION OF SAMUEL BROWN AND OTHERS. *Chap. 86*On the petition of *Samuel Brown* and others :

Whereas this Court is not yet ascertained that *Samuel Brown* and his associates have purchased of the natives their right to the lands lying between *Chenango* and *Owego* rivers ; and if this had been done, the account of the purchase money, and expences which has been exhibited, is not supported by the necessary vouchers :

Resolved, That this Court cannot act upon his petition.

March 5, 1787.

Chapter 87.

RESOLVE EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO APPOINT AN ASSISTANT TO THE ATTORNEY GENERAL IN THE WESTERN CIRCUIT. *Chap. 87*

Resolved that the Justices of the Supreme Judicial Court, at their next Sessions in the Countys of *Berkshire*, *Hampshire*, *Worcester* and *Middlesex*, respectively, Be, and hereby are authorized and impowered, to appoint some Person or Persons, as Assistant to the attorney General, in case it shall appear to them, that the Criminal Business renders such appointments expedient.

March 5, 1787.

Chapter 88.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF YORK, AND GRANTING A TAX OF TWO HUNDRED POUNDS, TO BE LAID ON THE INHABITANTS. *Chap. 88*

Whereas the Treasurer's accounts for the County of *York*, are accepted and allowed : And Whereas it appears from an estimate of the Justices of the County of *York*, made on the Second Tuesday of *october* 1786, that the Sum of *Two hundred pounds* will be Necessary for defraying the Charges of the Said County for one year then next ensuing : therefore

Resolved that there be and hereby is Granted a tax of *two hundred pounds*, to be apportioned and assessed on the inhabitants of the Said County and estates lying within the Same, and Collected, paid and applied for the Use of the Said County, according to the laws of the Commonwealth.

March 5, 1787.

Chapter 89.

- Chap. 89* RESOLVE REQUIRING THE PAYMASTERS OF THE CONTINENTAL ARMY, TO MAKE RETURNS OF THE FINAL SETTLEMENT NOTES INTO THE SECRETARY'S OFFICE, ON THE FIRST OF *JUNE* NEXT; AND ON NEGLECT NO ALLOWANCE TO BE MADE THEM, AND DIRECTING THE SECRETARY TO PUBLISH THIS RESOLVE.

Resolved, That all Paymasters of the *Massachusetts* line of the late Continental Army, who have not delivered to the Secretary the Certificates of the ballances, which upon a final settlement were found due to that part of the said Army, for which they are respectively Paymasters, be, and they are hereby required, to make returns of the whole of said final Settlements, which they have remaining in their hands, into the Secretary's Office, on or before the 1st day of *June* next, taking duplicate receipts therefor, one of which to be lodged with the Treasurer of the Commonwealth.

And it is further *Resolved*, That those Paymasters, who neglect to comply with this Resolve, shall not be intitled to receive an allowance of Pay for their Services in the Trust in which they have been employed: And the Secretary is directed to publish the above Resolves three weeks successively, in the public News papers as by Law directed.

March 5, 1787.

Chapter 90.

- Chap. 90* RESOLVE ON THE PETITION OF THE TOWN OF *PROVINCETOWN*, IN THE COUNTY OF *BARNSTABLE*, ABATING THE SUMS ASSESSED ON THEM SINCE THE LAST VALUATION, AND THAT NO FURTHER ASSESSMENTS BE MADE ON THEM, TILL FURTHER ORDER.

Whereas it appears, on the petition and memorial of the town of *Province Town*, in the County of *Barnstable*, and from an enquiry into facts, That the said Town has not been Assessed for a number of Years past, on account of their Situation, and disability, and by a Return of their Poles and Rateable property, that their present circumstances will not admit of their being now taxed: Therefore,

Resolved That the Town of *Province Town*, in the County of *Barnstable*, be, and they are hereby abated the Sums assessed on them since the last Valuation, being the

Sum of *one hundred and fourteen Pounds 13/9*; and that no further Assessments be made on them, until the further Order of the General Court. *March 5, 1787.*

Chapter 91.*

AN ADDRESS TO REMOVE FROM OFFICE *WILLIAM WHITING*, *Chap. 91*
AND OTHERS.

To his Excellency *JAMES BOWDOIN*, Esqr; Governor and Commander in chief of the Commonwealth of *Massachusetts*.

May it please your Excellency,

The two Houses of Legislature, being authorized by the Constitution, to address your Excellency to remove from office such persons, as they shall deem unworthy of sustaining the offices, to which they have been appointed; and it appearing to them, that *William Whiting* of *Great-Barrington*, in the County of *Berkshire*, first Justice of the Court of Common Pleas, and a Justice of the Peace for said County; *James Perry*, of *Easton*, in the County of *Bristol*, a Justice of the Peace in the County last mentioned, and *Reuben Taft*, of *Uxbridge*, in the County of *Worcester*, and one of the Coroners for the said County of *Worcester*, have in the late unhappy rebellion, conducted in a manner, derogatory to Government, and disgraceful to themselves. They have therefore thought proper to request, and do hereby request your Excellency, by and with the advice and consent of Council, to remove the said *William Whiting*, *James Perry*, and *Reuben Taft*, from their respective Offices aforesaid. *March 5, 1787.*

Chapter 92.

RESOLVE DIRECTING THE SEVERAL COLLECTORS OF IMPOST AND EXCISE NOT TO RECEIVE ANY PAYMENTS OF DUTIES IN TREASURER'S ORDERS, UNLESS &c. *Chap. 92*

Whereas by an Act for appropriating the Revenue, arising from the duties of Impost and Excise, passed the 17th of *November*, 1786, it is provided, that one third part thereof shall be annually paid into the Treasury of this Commonwealth for the exigencies of Government: and Whereas the demands of Government are now such, as to

* Taken from court record, under date of February 28.

make it necessary that the specie part of said duties be paid into the Treasury as soon as possible.

Resolved, That the several Collectors of Impost and Excise within this Commonwealth, shall receive One third part of all duties of Impost and Excise, that may have become due since the first day of *January*, 1787, or may hereafter become due, in Specie only, and the other two thirds in Orders or Certificates of the Treasurer of this Commonwealth, if they are presented, provided that the One third part be paid in Specie, at the same time, and not otherwise.

March 5, 1787.

Chapter 93.

Chap. 93 RESOLVE ON THE PETITION OF *THOMAS HAYWARD*, DIRECTING THE TREASURER TO PAY *THIRTY POUNDS TWO SHILLINGS*, THE FORGED ORDER NOTWITHSTANDING.

On the Petition of *Thomas Hayward*, late a Soldier in Colonel *Bailey's* Regiment, in the year 1780, who was intitled To *twenty seven pounds seven shillings and six pence*, for such service ; and the further sum of *Two pounds fourteen shillings and six pence*, which sums he finds on enquiry, have been drawn by a *John Allen*, on a forged Order ; and praying relief ; for reasons set forth in the said Petition :

Resolved, that the prayer of said Petition be granted, and that the Treasurer of this Commonwealth, be, and he is hereby directed, to pay out of the Treasury, to the said *Thomas Hayward*, the sum of *Thirty pounds two shillings*, in the same way and manner other Soldiers who served at the same time were paid, the said Wages being drawn by a forged order notwithstanding.

March 6, 1787.

Chapter 94.

Chap. 94 RESOLVE ON THE PETITION OF *JOSEPH HENDERSON*, REVERSING THE JUDGMENT MENTIONED, AND GRANTING HIM A NEW TRIAL.

On the Petition of *Joseph Henderson*, praying a judgment obtained against him, by the judgment of Mr. Justice *Quincy*, at the suit of *William Storey*, of *Boston*, on Two Notes of Hand, may be set aside, and a new Trial ordered thereon, for Reasons set forth in said Petition :

Resolved, That the said Judgment be, and hereby is

reversed, and declared to be Null and Void, and that a New Trial may be had on the case aforesaid, the Parties having agreed to the same. *March 6, 1787.*

Chapter 95.

RESOLVE ON THE PETITION OF *JABEZ FISHER*, ESQ; AGENT FOR THE TOWN OF *FRANKLIN*, GRANTING *THIRTEEN POUNDS NINETEEN SHILLINGS AND SIX PENCE*, FOR BEEF PROCURED AT EARLIER PERIODS THAN REQUIRED. *Chap. 95*

On the Petition of *Jabez Fisher*, Esqr; Agent for the Town of *Franklin*, Praying for an allowance made to them for their Procuring their Quota of Beef at earlier Periods than they were required by a Resolve of the General Court, of *June 22, 1781*:

Resolved, that there be paid out of the Publick Treasury of Said Commonwealth, To *Jabez Fisher*, Esqr; for the use of Said Town of *Franklin*, the Sum of *Thirteen pounds nineteen shillings and Six pence*, in full compensation to them for their Complying with a Conditional Promis made by the aforesaid Resolve. *March 6, 1787.*

Chapter 96.

ORDER ON THE PETITION OF *WILLIAM HARRIS* AND *DAVID MOREY*, DIRECTING THE TREASURER TO PAY THE CLERKS IN THE SECRETARY'S OFFICE. *Chap. 96*

On the petition of *William Harris* and *David Morey*, Clerks in the Secretary's Office, praying that some method may be adopted to enable them to obtain their wages:

Ordered, that the Treasurer be, and he hereby is directed, to pay to the said *William Harris* and *David Morey*, and to the other Clerks in the Secretary's and Treasurer's Office, Six months pay, (when it shall be due,) out of the Specie part of the Tax granted by the General Court, in *March, 1786*. *March 6, 1787.*

Chapter 97.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF *PLIMOUTH*, AND MAKING HIM ACCOUNTABLE FOR THE BALANCE. *Chap. 97*

Whereas it appears from the Treasurer's Accounts for the County of *Plimouth*, that the Monies granted and allowed by the Court of General Sessions of the Peace

for said County, were for such Purposes and Appropriations as the Law empowered said Court to provide for; and that the said Accounts are right cast, and well vouched; and that upon the 18th of *Decr*., 1786, there remained in the hands of Collectors in outstanding Taxes, *Five Hundred and eighty Pounds, seventeen shillings and two pence, three farthings.* Therefore

Resolved, That said Accounts be allowed; the said Treasurer being accountable, for the Ballance that remains Due, in some future Settlement. *March 6, 1787.*

Chapter 98.

Chap. 98 RESOLVE ON THE PETITION OF THE TOWN OF *DEDHAM*, EMPOWERING THE COURT OF GENERAL SESSIONS FOR *SUFFOLK*, TO ORDER A BRIDGE OVER *CHARLES RIVER*, IN SAID TOWN, TO BE RE-BUILT, AND ASSESS CERTAIN TOWNS FOR PAYMENT.

On the Petition of the Town of *Dedham*, Setting forth, that a Bridge Over *Charles River*, in said Town, has heretofore been built by Adjacent Towns, by Order of the Court of General Sessions; and that the Law for that purpose has Expired:

Therefore *Resolved*, that the Court of General Sessions for the County of *Suffolk*, be, and they hereby are empowered and directed, to order that the said Bridge be re-built, and to Assess the Charge thereof on the Towns of *Dedham, Needham, Medfield*, and the District of *Dover*, as they shall Judge Right and Equal, having regard to their Local Situation. *March 6, 1787.*

Chapter 99.

Chap. 99 RESOLVE DIRECTING THE HON. *JOHN HANCOCK*, ESQ: TO DELIVER A CERTAIN NOTE, SIGNED BY *MICHAEL HILLEGAS*, TO THE TREASURER; AND THE TREASURER TO GIVE A FULL DISCHARGE FOR THE SAME.

Whereas the honorable *John Hancock*, esq^r has repeatedly acquainted the Legislature of this Commonwealth, that there is a considerable sum due on a note of hand, the property of this Commonwealth, dated *Philadelphia*, April 16th, 1776, for *Twenty five thousand dollars*, signed by *Michael Hillegas*, and payable to the said *John Hancock*, and requested their directions thereon:

Resolved that the said *John Hancock*, esq^r deliver the

said note of hand to the Treasurer of this Commonwealth, and enable the said Treasurer, by his power of attorney, to recover the balance due thereon, for the use of this Commonwealth; and that the said Treasurer, upon receiving the said note and power, be, and he is hereby directed to give the said *John Hancock*, esq^r a full discharge from any demand, on account of the balance due on said note.

March 6, 1787.

Chapter 100.

RESOLVE ON THE PETITION OF *MOSES FOGG*, DIRECTING THE TREASURER TO PAY THE WAGES DUE TO HIM, THE FORGED ORDER NOTWITHSTANDING.

Chap.100

On the Petition of *Moses Fogg*, Jun. representing that the notes due to him for his Service in Capt. *Amos Lincoln's* company, in the years 1781, 1782 and 1783, have been drawn by a certain *Daniel Godfrey*, on a forged order, and praying the consideration of this Court :

Resolved that the Prayer thereof be granted, and that the Treasurer be, and he is hereby directed, to pay out of the Treasury, to the Said *Moses Fogg*, Jun^r in notes, the wages due to him, in the same manner he would have done, if they had not been drawn by a forged order.

March 6, 1787.

Chapter 101.

RESOLVE ON THE PETITION OF *JOSIAH BEMIS*, JUN. LIBERATING HIM FROM GOAL ON CERTAIN CONDITIONS.

Chap.101

On the Petition of *Josiah Bemis*, junior. now Committed To the common Goal for the County of *Suffolk*, on two Judgments in Favour of the Commonwealth, in the whole amounting to *One Hundred and Fourteen pounds five shillings and Two pence*; declaring that he hath not now any property To Satisfy the same, and praying To be Released from his imprisonment, &c.

Resolved, that on the said *Bemis's* making and signing his promissory-note To *Thomas Ivers*, Esqr; Treasurer, and his Successor in Office, for the sum of *One Hundred and Fifteen pounds Five shillings and Two pence*, being the contents of said Judgments and costs of Executions thereon, and commitment, payable on Demand, with interest till paid, and delivering the same To the Keeper of

the said Goal, and paying Prison Charges, he be Liberated from his imprisonment on the aforesaid Judgments; and the said Keeper of the Goal, is hereby directed to deliver the said Note to the Treasurer, and file an Attested copy of this Resolve in the Clerk's office, with the executions by virtue of which the said *Bemis* was committed.

March 6, 1787.

Chapter 102.

Chap.102 RESOLVE REQUESTING THE GOVERNOUR TO WRITE TO THE GOVERNOUR OF *NEW YORK*, IN THE MOST PRESSING TERMS, FOR THE APPREHENDING CERTAIN PERSONS WHO HAVE FLED TO THAT STATE, THAT HAVE BEEN CONCERNED IN THE LATE REBELLION, AND TO REQUEST OUR FORCES MAY BE PERMITTED TO MARCH WITHIN THE LIMITS OF HIS JURISDICTION.

Whereas in the third article of the Confederation of the United States, it is expressly declared, that, "the said States hereby enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever."

And in the fourth article of the same Confederation, it is also expressly declared, that, "If any person guilty of, or chargeable with treason, felony, or high misdemeanor in any State, shall flee from Justice, and be found in any of the United States, he shall upon demand of the Governor or executive power of the State, from which he fled, be delivered up, and removed to the State, having jurisdiction of his offence."

And Whereas a rebellion has by the Legislature, been declared to exist, and still exists within this Commonwealth, and a number of the leaders, and others concerned therein, have fled from Justice into the State of *New York*, and from thence have made incursions and depredations on the citizens of this Commonwealth; and it is of the highest consequence to this Commonwealth, and to the State of *New York*, immediately, and in its effects to the United States, that the said leaders and others should be apprehended, secured and brought to Justice as speedily as possible.

Therefore *Resolved*, that the Governour be, and he is hereby requested, immediately to write to the Governor of *New York*, by express, urging him in pressing terms, that the most speedy and effectual measures may be taken by the authority of that Government, for the apprehending and securing such offenders as aforesaid, who have fled from this Commonwealth, and taken refuge within the limits of that Government, and transmitting them to the authority of this Commonwealth, conformably to the aforesaid articles of the Confederation : And further to request the Governor of *New York*, to permit the forces of this Commonwealth, to march within the limits of his jurisdiction, when it shall be judged necessary by the Commanding Officer of the said Forces, for the purpose above-mentioned ; and to direct and require all Officers, civil and military, and the good citizens of that State, to afford to the said forces such countenance, aid and comfort, as their circumstances may render necessary ; and that he will strictly enjoin upon all persons under his Government, not to harbour, conceal, or in any way assist any of the said offenders.

March 6, 1787.

Chapter 103.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *LEBANON*, REPEALING A RESOLVE FOR ASSESSING THE INHABITANTS OF SAID TOWN, AND ABATING SAID TOWN *SEVENTY-FOUR POUNDS ONE SHILLING AND EIGHT PENCE*, FOR A FINE LAID ON SAID TOWN. *Chap. 103*

On the Petition of the Selectmen of the Town of *Lebanon*, setting forth, that by order of Court, the said Town of *Lebanon* Did, from the year 1779, to the year 1781, Assess the Inhabitants of the Plantation Called *Shapleigh-ton*, adjacents to Said *Lebanon*, in several Taxes ; but upon application to the Court of Sessions the said Adjacents were abated *one hundred and six pounds*, which Sum was to be assessed on the Inhabitants of *Lebanon* ; and further setting forth, that the Town of *Lebanon*, was fined the Sum of *Seventy four pound one Shilling and Eight pence*, for Deficiency of one Soldier supposed to be more than their Due proportion ; for Reasons Set fourth in their Petition :

Resolved, that the resolve for assessing the Inhabitants of the Town of *Lebanon*, the sum of *one hundred and six*

pounds, be, and hereby is repealed, and that the said Town of *Lebanon*, be, and hereby is abated *Seventy four Pounds one shilling and eight pence*, being a fine set on said Town for a Deficiency of one man; and the Treasurer of the Commonwealth, be, and hereby is directed, to Credit said Town of *Lebanon* accordingly.

March 6, 1787.

Chapter 104.

Chap.104 RESOLVE ON THE PETITION OF *GORDON HUTCHINS*, ENTITLING HIM TO THE SAME PROCESS IN THE PREMISES, AS HE WOULD HAVE HAD, HAD THE WRIT OF EXECUTION BEEN DULY RETURNED.

Whereas it appears to this Court, that a writ of Execution which issued on a Judgment recovered by *Levi Willard*, *Jonas Cutler*, and *Gordon Hutchins*, against the Administrators on the estate of *Ithamer Hubbell*, before the Inferior Court of Common Pleas for the county of *Berkshire*, *April Term 1765*, was levied on real Estate, but hath been lost or mislaid; and as the said *Gordon*, the only survivor of the said creditors, hath petitioned for the interposition of this Court, in the premises :

Therefore *Resolved*, that the said *Gordon Hutchins*, be, and he hereby is entitled to the same legal process and remedy in the premises, as he would have been, had the said lost writ of Execution been duly returned wholly unsatisfied; any law to the contrary notwithstanding.

March 7, 1787.

Chapter 105.

Chap.105 RESOLVE ON THE PETITION OF *WILLIAM PARSONS*, EMPOWERING THE ADMINISTRATORS TO PROSECUTE ANY PERSON IN ANY ACTION, REAL, PERSONAL, OR MIXED, TO ALL INTENTS, AS SUCH ADMINISTRATOR MIGHT IF HE WAS LEGALLY APPOINTED TO THE ESTATE OF THE INTESTATE BY THE JUDGE OF PROBATE OF WILLS.

On the Petition of *William Parsons*, of *Sanford*, in the County of *York*, Administrator on the Estate of *Edward Parsons*, of *Newmarket*, in the State of *Newhamshire*, Esqr; deceased, praying to be empowered to sell the Real Estate of the deceased, which lays within this Commonwealth, and to act as an Administrator in other respects :

Resolved, that the said *William*, in his said capacity, be, and he hereby is impowered, to make Sale of all the real Estate whereof the Intestate died seized within this Commonwealth, for the most the same will fetch, and to make and duly execute a good and sufficient Deed or Deeds of the same, the said Administrator first giving bond to the Judge of Probate of Wills, &c. for the County of *York* aforesaid, to observe such Rules and Orders as the Laws of this Commonwealth enjoin on Administrators in the Sale of real Estates, and to account with the Judge of Probate of Wills, &c. for the County of *Rockingham*, in the State of *Newhamshire* aforesaid, for the proceeds of all such Estate as he shall dispose of, by Virtue of this Resolve.

And it is further *resolved* that the said Administrator, be, and he hereby is impowered, to prosecute any person or persons in any Action, real, personal or mixt, as fully and amply to all Intents and purposes, as such Administrator might or could prosecute the same, if he was duly and legally appointed Administrator to the Estate of the Intestate by the Judge of Probate of Wills, &c. for any County within this Commonwealth. *March 7, 1787.*

Chapter 106.

RESOLVE ON THE PETITION OF *BENJAMIN LINCOLN*, JUN. TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. SUSPENDING JUDGMENT, AND STAYING EXECUTION.

Chap. 106

On the petition of *Benjamin Lincoln*, junr. Attorney to *Stephen Hussey* and *Jonathan Jenkins*, administrators of the estate of *Abraham Pease*, deceased.

Resolved that the prayer of the said petition be so far granted, that the said *Hussey* and *Jenkins*, notify the said *Parker*, by serving him with an attested copy of the said deceased's, and the said *Lincoln's* petition, and the several orders thereon taken, fourteen days before the second wednesday of the next sitting of the next General Court, then to appear, and shew cause, if he have any, why the prayer should not be granted, and in the mean time, that the judgment recovered upon the default of the said *Pease*, be suspended, and execution be stayed.

March 7, 1787.

Chapter 107.

Chap.107 RESOLVE ON THE PETITION OF *JEREMIAH COLBURN*, DIRECTING A DISCHARGE IN THE TREASURY FOR THE SUMS MENTIONED, AND THE TREASURER DIRECTED TO DELIVER A CERTIFICATE THEREOF.

Whereas it appears to this Court, that *Jeremiah Colburn*, served as a Lieutenant, under *Waterman Thomas*, Esq; at the siege of *Penobscot*, and rendered other services to this Commonwealth, in the Year 1779, for which he hath received no Compensation :

Resolved, That there be paid out of the public Treasury, to the said *Jeremiah Colburn*, the Sum of *Eight pounds*, in full for his pay as a Lieutenant, under Captain *Thomas*, and *four pounds ten shillings*, for his Time and Expences in performing a Journey from *Penobscot River* to *Boston*, in the Month of *July*, 1779, and for his Services with the *Penobscot* Indians.

And it is further *Resolved*, that on the said *Colburn's* giving a Discharge in the Treasury for the aforesaid Sums of *Eight pounds*, and *four pounds ten shillings*, the Treasurer be, and he is directed, to deliver him a Certificate thereof, which Certificate shall be received as so much Specie in payment of any Lands belonging to this Commonwealth, which the said *Colburn* may purchase of the Committee for the Sale of Unappropriated Lands in the County of *Lincoln*; and the said Committee are hereby directed to govern themselves accordingly.

March 7, 1787.

Chapter 108.

Chap.108 RESOLVE ON THE PETITION OF *JEREMIAH LORD*, DIRECTING THE TREASURER TO PAY THE WAGES DUE TO HIM; THE FORGED ORDER NOTWITHSTANDING.

On the Petition of *Jeremiah Lord*, representing, that the notes due to him for his Service in the late American Army, have been drawn by Capt. *Daniel Pilsbury*, on a forged Order, and praying the Consideration of this Court :

Resolved that the Prayer thereof be granted, and that the Treasurer be, and he hereby is directed, to pay Out of the Treasury to the said *Jeremiah Lord*, in notes, the wages due to him, in the same manner he would have done if they had not been drawn by a forged Order as aforesaid.

March 7, 1787.

Chapter 109.

RESOLVE ON THE REPRESENTATION OF *WILLIAM FROBISHER* AND *CALEB WILDER*, EMPOWERING A COMMITTEE OF BOTH HOUSES, IN THE RECESS, TO RECEIVE SUCH DESCRIPTIONS IN WRITING, OF THEIR RESPECTIVE METHODS AND PROCESSES FOR MAKING AND ASSAYING POT-ASHES AND PEARL-ASHES, AS THEY SHALL REQUEST TO BE MADE PUBLIC, AND CAUSE THE SAME TO BE PUBLISHED, &c. Chap.109

Whereas it is of great Importance to the Landed as well as Mercantile Interest of this Commonwealth, that the manufacturing of Pot-Ashes and Pearl-Ashes within the same, should be performed in such a Way, and by such Process, as will produce the greatest Quantity of Salts from any given Quantity of Ashes ; and also that the Pot-Ashes and Pearl-Ashes formed from those Salts, may be of such a Quality as to stand the Test by which those Articles are assayed in foreign Markets.

And whereas *William Frobisher*, of *Boston*, and *Caleb Wilder*, of *Ashburnham*, have each of them respectively represented to this Court, that they have discovered and are possessed of certain valuable Processes, for carrying on the said Manufactures, and assaying the same : which Processes, if made publick, would add greatly to the Improvement of that valuable Branch of Business within this Commonwealth ; and which they are willing to communicate to the publick, on Condition of receiving such a Gratuity from a future General Court, as the Importance of each or either of their Improvements may reasonably deserve : Therefore,

Resolved, that *Richard Cranch*, Esqr ; *Mr. Clark*, and *Mr. Bowdoin*, be a Committee, who are hereby empowered (in the recess of the General Court) to receive from the said *William Frobisher*, and *Caleb Wilder*, or from either of them, such Descriptions in Writing, of their respective Methods and Processes for making and assaying Pot-Ashes and Pearl-Ashes, as they or either of them shall request to be made publick : And if the said Processes, or either of them, shall appear to the said Committee, on Examination, to contain useful and important Improvements in that Manufacture, they are hereby empowered and directed, forthwith to cause the same, or such parts thereof as shall appear to them will be useful as aforesaid, to be published in Pamphlets, and that such a Number of them be printed, at the Expence of Government, as will

be sufficient to furnish the Clerk of each Town and Plantation, in this Commonwealth, with one of them. And the Secretary is hereby directed, in case of such a Publication, to cause the said Pamphlets to be forthwith sent to the several Towns and Plantations accordingly.

And it is further *Resolved*, that if the Process or Processes, that shall be thus discovered to the said Committee by the said *Frobisher* or *Wilder*, and sent out to the several Towns as aforesaid, shall on tryal be found beneficial to the Publick, and the same be so certified by the Governor with Advice of Council, that then, and in that Case, the Person or Persons who made known to the Committee such beneficial Process or Processes, shall be intitled to receive out of the publick Treasury, such Sum, as a Gratuity, as the General Court shall then deem adequate to the Importance of the Discovery of such useful Process.

March 7, 1787.

Chapter 110.

(ROLL No. 3.)

Chap.110

The Committee appointed to examine accounts, ask leave to report the following roll, which if allowed will be in full discharge of said accounts.

JOSEPH HOSMER, per Order.

To Capt. <i>Richard Ward</i> , for his Service in y ^e first Process of the present General Court, as per Account, .	£3 7 6
To <i>William Moore's</i> Account for what was found and done in the Secretary's Office, by the Secretary's Order, .	4 8 8
To the Hon ^{ble} <i>Seth Washburne's</i> Account for Services done for the Public, in procuring the Price of particular Articles as directed, .	3 0 0
To y ^e town of <i>Southborough</i> for Money advanced towards y ^e support of <i>Nicholas Hopping</i> , and Wife, y ^e poor of <i>Charlestown</i> , to April 1, 1786, .	2 0 0
To Doctr ^r <i>N. W. Appleton</i> , for Visits and Attendance &c. upon <i>Thomas Nichols</i> , which Account was examined by y ^e Hon ^{ble} <i>Cotton Tufts</i> , Esqr; .	9 15 2
To Doctr ^r <i>John Homans's</i> Account, for taking care of, and finding Medicines for y ^e poor of y ^e Commonwealth, in y ^e Alms-House, for one year, ending y ^e 14th of May, 1786, .	65 0 0
To an allowance made to y ^e Widow <i>Osborne</i> , one of y ^e poor of <i>Charlestown</i> , to Nov ^r 15th, 1786, .	22 19 0
To <i>David Devins</i> , for boarding <i>Anna Goodwin</i> , 73 years of Age, and a Negro Woman, 84 years, to y ^e 11th of Feby. 1787, being y ^e Poor of <i>Charlestown</i> , .	17 6 6

To an allowance made to <i>Elizth Leman</i> , another of the Poor of <i>Charlestown</i> , to Nov ^r 16th, 1786, ...	£34	2	6
To an allowance made to y ^e Town of <i>Woolwich</i> for Supplies, as per Account render'd by y ^e Selectmen, ...	15	16	0
To the Town of <i>Medford</i> , for supplying <i>Joanna Manning</i> , one of the Poor of <i>Charlestown</i> , to the 25th of Oct ^r , 1786, ...	10	10	4
To the Selectmen of <i>Pownalborough</i> for taking care of <i>Daniel</i> and <i>Cornelius Sullivan</i> , the State's Poor; Fee Account and Bills to Support, ...	32	19	8
To the Town of <i>Walpole</i> , for taking care of y ^e Widow <i>Hannah Lawrence</i> , to y ^e 1st of Feb ^y , 1787, one of the State's Poor, ...	58	4	8
To the Town of <i>Westborough</i> , for taking care of <i>John Schudemore</i> , to y ^e 1st of Jan ^y 1787, one of the State's Poor, as per Bills brought in, this being the whole amount to that time, ...	16	16	4
To <i>Cape Elizabeth</i> , for the Milage of Soldiers in y ^e year 1781, ...	12	4	0
To <i>Stephen Choate</i> , Esqr; for his Service, in collecting the Average Price of Beef, Corn, and other Articles, ...	1	10	6
To the Selectmen of <i>Concord</i> , for supporting y ^e Children of <i>W^m Barron</i> , State's Poor, to Jan ^y 17, 1787, ...	23	8	0
To the Selectmen of <i>Marlborough</i> , for Supplies for <i>Ephraim Breed's</i> Family, y ^e Poor of <i>Charlestown</i> , to y ^e first of Oct ^r , 1786, ...	4	2	6
To <i>Jonathan Hastings's</i> acct., for Stationery, &c. for y ^e General Court, from Nov ^r , 1785, to Feb ^y 10th, 1787, ...	28	15	10½
To <i>John Carter</i> , for taking care of and boarding <i>Meheatable Carter</i> , to y ^e 1st of January, 1787, one of the <i>Charlestown</i> Poor, ...	10	8	0
To the Town <i>Lynn</i> , for Boarding three of y ^e Poor of <i>Charlestown</i> , to y ^e first of Feb ^y , 1787, as per acct. from the Selectmen, ...	48	2	0
To <i>Peter Edes</i> , for Printing by order of y ^e Secretary, to Nov ^r 2, 1786, ...	12	3	0
To <i>Alexander Campbell</i> , for taking up Pirates, in June, 1781, ...	11	9	6
To <i>James Hopkins</i> , for y ^e same Service, ...	12	16	6
To <i>George Haslam</i> , for y ^e same service, ...	5	5	3
To <i>Edward Eveleth Powers</i> , for Printing for y ^e General Court, by order of y ^e Secretary, to y ^e 12th of Feb ^y 1787, ...	78	9	6
To the Selectmen of <i>Billerica</i> , for Supporting <i>Dorothy Lamson</i> , and <i>Elizth Lamson</i> , two Aged Women, y ^e Poor of <i>Charlestown</i> , to Oct ^r 26th, 1786, ...	23	8	0
To y ^e Selectmen of <i>Walpole</i> , for Supplying <i>Charles Adams</i> , his Wife and two Children, with other Charges, (State's Poor)	6	0	4
To <i>George Pechem</i> , of <i>Newtown</i> , for Boarding and Nursing <i>James Foster</i> , a Sick Man, one of the State's Poor, ...	6	6	0
To the town of <i>Southborough</i> for removing one of y ^e State's Poor, with his Family, to y ^e State of <i>Connecticut</i> , by virtue of a Warrant from another County, ...	3	10	4
To <i>Abijah Prescott</i> , for Services for y ^e Commonwealth, upon y ^e Estate of an Absentee, as per Account, ...	1	16	0

To the Selectmen of <i>Reading</i> , for providing for several of y ^e <i>Charlestown</i> Poor, to Jan ^y 1st, 1787, ...	£39	5	4
To <i>Wilson Chamberlaine</i> , an Aged Man, one of y ^e Poor of <i>Charlestown</i> , in two Accounts, and to y ^e first of Feb ^y , 1787, ...	36	6	0
To the Selectmen of <i>Plimouth</i> , for taking care of several Paupers, belonging to no particular Town in y ^e Commonwealth, ...	22	16	0
To the Selectmen of <i>Haverhill</i> , for Supporting <i>Elizth Hooper</i> , to y ^e 2d of Oct ^r , 1786, one of the Poor of <i>Charlestown</i> , ...	16	16	0
To the Selectmen of <i>Lexington</i> , for boarding <i>Sarah Fowle</i> , one of the Poor of <i>Charlestown</i> , to Jan ^y 1st, 1787, an infirm Woman, ...	6	6	0
To the Selectmen of <i>Charlestown</i> , for Supporting a large number of their own Poor, to y ^e 1st of Jan ^y , 1787, as per Account, ...	143	19	10
To the Town of <i>Bridgewater</i> , for Supporting <i>Christiana Grant</i> , and her Daughter, two of the State's Poor, as per Account, ...	98	16	0
To <i>Simon Stow's</i> Acct. for Services done for the Commonwealth to Feb ^y , 1787, agreeable to an appointment, ...	3	0	0
To Doct ^r <i>Thomas Kiltridge</i> , for Visits and Medicines, for several of the Poor of <i>Charlestown</i> , which Acct. was examined and approved of by a Physician of the House, ...	15	3	0
To the Selectmen and Overseers of the Poor of y ^e Town of <i>Boston</i> , for Boarding, &c. the State's Poor in y ^e Alms-House, to y ^e 1st Sept ^r , 1786, including Cloathing, Nursing, &c. as per Account exhibited, ...	1943	4	9½
To <i>Samuel Partridge</i> , Keeper of the Alms-House, for his usual Allowance for extraordinary Care of y ^e Poor of y ^e Commonwealth in said House, the number being very large, as appears by the Account attested by the Selectmen of y ^e Town, ...	102	13	3½
To <i>David Townsend</i> , for Supporting <i>John Townsend</i> , and Wife, and y ^e Widow <i>Manning</i> , and four Children, to Jan ^y , 1787, y ^e latter, and February 1st, y ^e former, the Poor of <i>Charlestown</i> , ...	83	3	0
To y ^e Town of <i>Middleborough</i> , for Supporting sick Indians, Doctoring, House, Wood, &c. as per Account from y ^e Overseers, ...	26	1	11
To <i>Elizth Johnson</i> , for Boarding herself to Feb ^y 11th, 1787, ...	19	4	0
To <i>Anna Rand</i> , for Ditto to Ditto	19	4	0
To <i>Lydia Wood</i> , for Ditto to Ditto	19	4	0
To <i>Elizabeth Whittemore</i> , for Ditto to Ditto	7	4	0
To <i>Katherine Piles</i> , for Ditto to Ditto	7	4	0
N. B. They are y ^e poor of <i>Charlestown</i> , ...			
To the Town of <i>Westown</i> , for Boarding <i>Lydia</i> and <i>Philadelphia Breed</i> , y ^e Poor of <i>Charlestown</i> , to y ^e 24th of Feb ^y , 1787, ...	10	16	0
To <i>John Russell</i> , Printer at <i>Northampton</i> , for Printing for Government by Order of y ^e Secretary, ...	1	1	0

To <i>Stebbins and Russell</i> , Printers, by Order of Secretary, to 28th of <i>March</i> , 1776,	£9 15 2
To the Town of <i>Marlborough</i> for taking care of <i>Hannah Clark</i> , and removing her, a State's Poor, in <i>June</i> 1786,	0 18 0
	£.3218 2 11½

Read and accepted, and thereupon

Resolved, that the Governor, with the advice of Council, be, and hereby is requested, to issue his Warrant on the Treasury, for the payment of the sums mentioned in the above Roll, to the persons to whom they are severally due.

March 7, 1787.

Chapter 111.*

RESOLVE GRANTING SIX POUNDS, TO FRANCIS JONES, FOR HIS SERVICES IN CAPT. GORDON'S COMPANY AT BEDFORD, IN THE YEAR 1782. *Chap.111*

On the petition of *Francis Jones*, praying for allowance for three months service as a soldier in Capt. *William Gordon's* Company, in the service of this Commonwealth, at *Bedford*, in the year 1782, who was through mistake, not borne on the roll of the said *Gordon*, &c.

Resolved, that the prayer of the said petition be granted, and that there be allowed and paid out of the public Treasury of this Commonwealth, to the said *Francis Jones*, the sum of *six pounds*, in full for the said three months service.

March 7, 1787.

Chapter 112.

RESOLVE GRANTING TO JOHN BROOKS, ESQ; ONE OF THE COMMITTEE FOR THE SALE OF UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, SEVENTY FIVE POUNDS *Chap.112*

Resolved, That there be allowed and paid out of the public Treasury, from the Specie part of Tax No. 5, appropriated to the Support of Government, unto *John Brooks*, Esq; one of the Committee for the Sale of unappropriated Lands in the County of *Lincoln*, the Sum of *Seventy Five Pounds*, as a full Compensation for his Services on the said Committee, from *Novemb^r 30, 1785*, to the Day of his Resignation, being the First Instant.

March 7, 1787.

* Taken from court record.

Chapter 113.

Chap.113 RESOLVE GRANTING PAY TO THE CHAPLAIN OF THE TWO HOUSES, AND TO THE CLERK OF EACH HOUSE.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, unto the Revd. *Peter Thatcher*, Chaplain of the General Court, the sum of *twelve Pounds*, And unto Mr. *George Richards Minot*, Clerk of the House of Representatives, and Mr. *Samuel Cooper*, Clerk to the Senate, the Sum of *fifty five pounds* Each, in full of their services respectively, the present year.

March 7, 1787.

Chapter 114.

Chap.114 RESOLVE ON THE MEMORIAL OF *JOHN JONES SPOONER*, ESTABLISHING THE PAY OF THE OFFICERS OF THE ARTILLERY.

On the Memorial of Major *John Jones Spooner*, for reasons therein set forth :

Resolved, That all Adjutants, and Quarter Masters of Artillery (in consideration of the extra Duty that devolves upon such officers) shall be, and they are hereby allowed *eight pounds* Lawful money per month, and no further allowance shall be made to such Adjutant and Quarter Master, for services by them done in any other Capacity ; and the officers required to make out the Pay Rolls, are directed to govern themselves accordingly : any Law or Resolve of this Commonwealth to the contrary notwithstanding.

March 7, 1787.

Chapter 115.

Chap.115 RESOLVE ON THE PETITION OF *BENJAMIN WHITE*, ESQ; DIRECTING THE TREASURER TO RECEIVE GOVERNMENT SECURITIES IN DISCHARGE OF A BALANCE DUE.

On the Petition of *Benjamin White*, Esqr ; late one of the Committee on accounts, praying that he may be allowed to discharge an apparent ballance of *two hundred and eighty pounds*, due from said Committee to the State, in Government securities :

Resolved, that the Treasurer of this Common Wealth, be allowed and directed, and he is hereby accordingly directed, to receive of said *Benjamin White*, the sum of

two hundred and eighty pounds, in Government securities, in full discharge of the note given by the said *Benjamin White*, for the ballance aforesaid; the said *White*, first paying all charges that attended the legal prosecution of the same.

March 7, 1787.

Chapter 116.

RESOLVE ON THE PETITION OF *RICHARD CRANCH*, ESQ; DIRECTING THE TREASURER TO PAY HIM THE MONIES DUE TO HIM OUT OF THE LAST TAX.

Chap.116

On the petition of *Richard Cranch*, Esqr;

Resolved that the Treasurer of this Commonwealth, be, and he hereby is impowered and directed, to pay what remains due to the said *Richard Cranch*, for his services in Examining and certifying the Calculations of the consolidated Notes that have been issued by this Commonwealth, (so far as the same has been examined and allowed by the Committee on Accounts) out of that part of the last Tax which is appropriated to the use of Government.

March 7, 1787.

Chapter 117.

RESOLVE RESPECTING THE TROOPS MARCHING OUT OF THE STATE.

Chap.117

Whereas by the Constitution of this Commonwealth, it is provided, that “the Governor shall not at any time hereafter, by virtue of any power, by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free & voluntary consent, or the consent of the General Court, except so far as may be necessary to march or transport them by land or water for the defence of such part of the State to which they cannot otherwise conveniently have access.”

And Whereas it may be necessary that the forces of this Commonwealth, now raised, or that may be hereafter raised for the purpose of subduing the present rebellion, should march out of the limits of the same.

Resolved, That this General Court do hereby consent, that his Excellency the Governor, if he shall think it necessary, may give orders that the said forces be marched

out of the limits of this Commonwealth, into the bounds of any of the States adjacent thereto, for the purpose abovementioned.

March 8, 1787.

Chapter 118.

Chap.118 RESOLVE RESPECTING THE 20 MILES FALLS IN *ANDROSCOGGIN RIVER*, TO BE CONSIDERED THE UPPERMOST FALLS, AND DIRECTING THE COMMITTEE OF THE UNAPPROPRIATED LANDS IN *LINCOLN* COUNTY, NOT TO DISPOSE OF LANDS ON SAID RIVER, AND BETWEEN SAID RIVER, AND LANDS CLAIMED BY THE *PLYMOUTH* COMPANY, TO THE SOUTHWARD OF THE SOUTH LINE OF *BAKER'S TOWN*, &c.

Resolved, That the twenty miles falls, so called, in *Androscogin River*, being about twenty miles from *Brunswick* great falls, so called, be, and they are hereby considered the uppermost falls, called the uppermost great falls in *Androscogin River*, referred to in the Deed from *Werumbee* and six other Indian *Sagomores*, confirming the Right of *Richard Warton* and *Thomas Purchase*, executed July 7th, in the Year of our Lord 1684, in the thirty fifth Year of the Reign of King *Charles* the second.

And it is further *Resolved*, as the boundaries of the *Perjepcut* Company, so called, have not been ascertained, that the Committee on the Subject of the unappropriated Lands in the County of *Lincoln & Cumberland*, be, and they are hereby directed, not to locate or dispose of any lands lying upon *Androscogin River*, & between s^d River and Lands claimed by the *Plymouth* Company, to the Southward of the South Line of *Baker's Town*, bounded at the said great fall in *Androscogin river* aforesaid, on the west and the South line of *Port Royal*, on the East of said *Androscogin River*.

March 8, 1787.

Chapter 118A.*

Ch. 118A RESOLVE REQUESTING THE GOVERNOUR TO WRITE TO THE DELEGATES AT CONGRESS, RELATIVE TO THE FEDERAL TROOPS THAT WERE ORDERED TO BE RAISED WITHIN THIS COMMONWEALTH.

Whereas this Commonwealth, is involved in great expence for the suppression of the rebellion which now exists within the same, by which means it is rendered impracticable to afford supplies for the federal troops, ordered by

* This chapter was not numbered in previous editions.

Congress to be raised within this State, from any funds that are, or can at present be devised, other than monies arising by virtue of a requisition of Congress, dated the 27th. day of *September*, 1785.

Therefore *Resolved*, that the Governor be & he hereby is requested, to write to the Delegates of this Commonwealth in Congress, directing them as soon as may be, to move in Congress, that a resolution pass, by virtue whereof any advances that are or may be made by this Commonwealth, for the raising, cloathing & subsisting the aforesaid troops, may be considered & accepted in part payment of the aforesaid requisition, and that the said Delegates in Congress also move, that the federal troops, ordered to be raised in *New York*, & the States eastward of it, may be directed to afford their aid in pursuing, apprehending and securing or destroying, if necessary, in any place, within the limits of the United States, those persons who have been concerned in the rebellion now existing within this Commonwealth.

March 8, 1787.

Chapter 119.

RESOLVE ON THE PETITION OF *THOMAS SOMERS*, GRANTING HIM *TWENTY POUNDS*, FOR CERTAIN PURPOSES.

Chap.119

On the Petition of *Thomas Somers*, setting forth, his being possessed of certain Descriptions and Models of Machines for the facilitating Labour, in the Carding, roping and Spinning of Cotton Wool; and also his knowledge of adapting the thread for, and of weaving Dimities, plain, striped, and check Muslins, Callicoes, Jeans, Jeanetts, and other Cotton Manufactures; and praying that he may receive some Encouragement for the establishing the Cotton Manufacture within this Commonwealth:

With a View to encourage the aforesaid Manufactures, and to give the said *Somers*, an opportunity to give Specimens of his Abilities to perfect the Manufactures sett forth in his said Petition:

Resolved, That there be paid out of the public treasury, by Wariant from the Governor and Council, *Twenty Pounds* Lawful money, to be applied to the purposes aforesaid, which Sum shall be deposited in the hands of *Hugh Orr*, Esqr; of *Bridgewater*, who shall be a Committee to superintend the Application of the same.

March 8, 1787.

Chapter 120.

Chap.120 RESOLVE RESPECTING THE CARDING AND SPINNING MACHINE, BY ROBERT AND ALEXANDER BARR, APPOINTING A COMMITTEE TO EXAMINE THE MACHINE, AND REPORT AN ADEQUATE REWARD.

Resolved, that *Richard Cranch*, Esqr; with such as the Hon^{ble} House shall join, be a Committee to examine the Machines now making at *Bridgewater*, by *Robert* and *Alexander Barr*, under the Patronage of the General Court, for the purpose of carding and spinning Cotton, and Sheep's Wool, which Machines are now nearly completed: And the said Committee, are hereby impowered and directed, as soon as may be, to examine the Accounts of the said *Robert* and *Alexander Barr*, respecting the Expencc they have been at, in making those Machines, and to allow the same, or so much thereof, as to them shall appear reasonable; and also to report to the next General Court, what Gratuity, in their Opinion, the said *Robert* and *Alexander*, justly deserve, as a Reward for their Ingenuity in forming those Machines, and as an Encouragement for their publick Spirit, in making them known to this Commonwealth.

And the said Committee are further directed, to report their Opinion, in what manner those Machines may be disposed of, so as to make them most universally known, and generally useful to this Commonwealth.

March 8, 1787.

Chapter 121.

Chap.121 RESOLVE REQUESTING THE GOVERNOR TO WRITE TO CONGRESS FOR COMMISSION TO GENERAL LINCOLN, TO MARCH TO ANY PART OF THE UNITED STATES.

Resolved that his Excellency the Governor, be, and he hereby is requested, to write to Congress, acquainting that honorable body, of the present state of the rebellion, now existing within this Commonwealth, & the difficulty of putting a final end thereto, while the leaders & others concerned in the said rebellion, can take refuge out of the lines of the said Commonwealth, where they may have frequent opportunities of making incursions into, and annoying, distressing & laying waste the estates of the

inhabitants on the borders of this State, unless the forces of this Government can enter into territories without the bounds thereof; & requesting Congress to give a commission under the authority of the United States, to Major General *Lincoln*, who commands the said forces, with full power & authority, to march the said forces into any territory within the said United States, for the sole purpose of apprehending the said leaders, & others concerned in the said Rebellion, and bringing them to Justice.

March 8, 1787.

Chapter 122.

RESOLVE FOR GRANTING PAY OUT OF THE SPECIE PART OF THE TAX, OF THE REQUISITION OF CONGRESS OF *SEPTEMBER*, 1785, IN ADDITION TO THE SUM BORROWED, NOT TO EXCEED *FIVE THOUSAND POUNDS*, FOR THE PAY, CLOATHING AND SUBSISTANCE OF THE FEDERAL TROOPS. *Chap. 122*

Resolved that there be paid out of the Treasury of this Commonwealth, of the monies which shall be received on account of the tax granted for the specie part of the requisition of Congress of the 27th of *September*, 1785, in addition to the sum of *Two thousand five hundred pounds* directed to be borrowed by a resolve of this Court of the 30th of *October*, 1786, such further sum, as the Governour with the advice of Council, shall judge necessary to compleat the raising Six hundred and sixty men, as ordered by the aforesaid resolve, and for the pay, cloathing and subsistence of the said men: Provided that the said sum shall not exceed *five thousand pounds*. *March 8, 1787.*

Chapter 123.

RESOLVE ON THE MEMORIAL OF THE NAVAL OFFICER FOR THE PORT OF *BOSTON*, ALLOWING HIM *FIVE HUNDRED POUNDS* FOR HIS SUPPORT, AND THE PAY OF HIS DEPUTY, &c. AND THE RESIDUE TO BE PAID INTO THE TREASURY, AND AFTER THE 23^D DAY OF *JUNE* NEXT, THE WHOLE FEES ARISING FROM THE TABLE OF FEES BE ALLOWED FOR THE SUPPORT OF SAID NAVAL OFFICER, PROVIDED. *Chap. 123*

Whereas by a Resolve of the General Court, passed the 23d of *June*, 1785, the Naval Officer for the port of *Boston*, was directed to pay into the treasury of the Commonwealth, seven twelfths of all the fees which he might

thereafter receive; and whereas the residue is found inadequate to the support of said office. Therefore,

Resolved that out of the Fees established by Law for the support of Naval Offices, and which have been, or may be received in the Port of *Boston*, from the 23rd of *June*, 1785, to *June* 23^d, 1787, there be allowed to the Naval Officer of said port, *Five hundred pounds* per annum for his support, and the pay of his Deputy, and all other Expences, and that the Residue of said Fees be paid into the public Treasury, any thing in said Resolve to the contrary notwithstanding: and the Comptroller General and Treasurer are hereby directed to take order accordingly.

Resolved, That from and after the twenty-third day of *June* next, until the further order of this Court, the whole fees arising in the port of *Boston*, from the fee table established or to be established for the support of Naval Offices in this Commonwealth, be allowed for the support of the Naval Office of said port, provided the amount thereof be in no one year more than *four hundred pounds*.

March 8, 1787.

Chapter 124.

Chap.124 RESOLVE GRANTING TO DOCTOR JOSEPH WHIPPLE, THIRTY THREE POUNDS FIVE SHILLINGS AND TEN PENCE, FOR MEDICINE AND ATTENDANCE ON PERSONS AT RAINSFORD'S ISLAND.

On the Account of Doct^r *Jos^h Whipple*:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, *thirty three pounds five shillings and ten pence*, in full of his account, for medicines and attendance on sundry persons at *Rainsford's Island*, from *June* 20th, 1782, to *Oct^r* 31st, 1783, inclusive.

March 8, 1787.

Chapter 125.

Chap.125 RESOLVE RESPECTING THOSE REBELS WHO ARE IN VERMONT.

Resolved, that his excellency the Governor be, & he is hereby requested, again to write to the Governor of *Vermont*, representing to him the sense this Commonwealth has of the religious as well as political obligations which neighbouring States are under to perform every act of

friendship towards each other, & more especially to take every effectual measure to prevent fugitives from Justice harbouring themselves within their respective territories : That the Government of *Vermont* can recollect, that this Commonwealth, has heretofore conducted towards them in conformity to the most liberal principles, & are unwilling to entertain a doubt of a different conduct in them ; That it is notorious, that a number of the leaders of the rebellion in this Commonwealth, and others concerned therein, have actually taken shelter, & been entertained and supported by numbers of the citizens of that State ; whereby not only the good citizens of this Commonwealth, contiguous to the borders of that territory, are continually exposed to the incursions & depredations of the rebels, but the Government of *Vermont*, itself, is in danger of having the flames of insurrection & rebellion enkindled within the same : That the Governor of this Commonwealth, has in a friendly letter, informed the Governor of *Vermont* thereof, & altho he has received no answer, yet this General Court conceive, that they have a right to expect, that a ready & full compliance has been made to the request expressed therein. And inasmuch as it will be attended with difficulty for this Government totally to suppress the present rebellion, & to prevent depredations upon its frontier towns, bordering upon *Vermont*, while a number of the rebels shall continue to harbour themselves therein, the Governor is farther requested to apply to the Governor of *Vermont*, to deliver up to the Authority of this State, those Rebels belonging to this Commonwealth, who have taken Refuge within his limits, or to permit the forces of this Commonwealth, to enter within his limits for the purpose of apprehending, securing & bringing the said Rebels to Justice, & to direct that all Officers civil & military, & all the good citizens thereof, give to the said forces, all necessary aid for the purposes aforesaid.

March 8, 1787.

Chapter 126.

RESOLVE RESPECTING FIVE TOWNSHIPS ORIGINALLY GRANTED TO DAVID MARSH, AND OTHERS, LYING BETWEEN PENOBSCOT RIVER AND UNION RIVER, ALLOWING THE SETTLERS A FURTHER TIME FOR THE PURPOSES MENTIONED.

Chap. 126

Whereas by a Resolve of the General Court, passed the Eighth Day of *July* last, Five of the Townships originally

granted to *David Marsh* and others, lying between *Penobscot River* and *Union River*, viz. the Townships No. 1, 2, 4, 5 and 6, were confirmed to the proprietors on certain Conditions; and whereas it is expedient, that the time allowed to the proprietors by said Resolve, for quieting the Settlers, and to the Settlers for paying to the proprietors Treasurer *thirty shillings* each, to be appropriated to the surveying and dividing of said Townships, and laying out, clearing and repairing of Roads, should be prolonged:

Therefore *Resolved*, that the said Settlers be, and they are hereby allowed the further time of six months from the date hereof, for the paying of said *thirty shillings* to the proprietors Treasurer, and the proprietors are also allowed the further time of Eight months for allotting and meeting out the Lands to the Settlers, and for public Uses, and making Returns of the same agreeably to said Resolve; any thing therein contained to the contrary notwithstanding: and if no return shall be made within Eight months as aforesaid, to the Committee on the subject of Unappropriated Lands in the County of *Lincoln*, then the same proceedings shall be had thereon, as were pointed out by said Resolve.

March 8, 1787.

Chapter 127.

Chap.127 RESOLVE DIRECTING THE DELEGATES TO MOVE CONGRESS RELATIVE TO HALF PAY TO OFFICERS, TO EXTEND TO THE WIDOWS AND ORPHANS OF SUCH OFFICERS WHO FELL IN THE SERVICE OF THEIR COUNTRY, PREVIOUS TO THE YEAR 1777.

Resolved, that his Excellency the Governor be, and he is hereby requested, to write to the Delegates of this Commonwealth, in the Congress of the United States, directing the said Delegates to move in Congress, that the benefits of the Resolve of Congress, of the eighth day of *May*, 1778, may be extended to the Widows and Orphans of such Officers, as fell in the service of their country, during the late War, previous to the year 1777, and who are not entitled to the benefits of the said Resolve.

March 9, 1787.

Chapter 128.

Chap.128 RESOLVE DIRECTING THE COMMISSARY GENERAL TO CONTRACT FOR RATIONS FOR THE ARMY.

Whereas it is necessary some further measures should be adopted to supply the Troops that have been, or that

may be raised, for the suppressing the present Rebellion, regularly with Provisions, during the time they may be continued in the service of this Commonwealth.

therefore *Resolved* that the Commissary General of this Commonwealth be, and he is hereby empowered and directed, if he shall judge it most for the interest of the Publick, to contract with such person or persons, as may offer to supply the said Troops on the most reasonable terms, the following Rations, or any part thereof — *to wit.*

One pound of good Bread or flour pr. day.

One pound of Beef or three quarters of a pound of Pork pr. Day.

One jill of Rum or Brandy per day.

One jill of Pease, or Vegetables equivalent, per day.

Two quart of Salt to one hundred men, per day.

Two quarts of Vinegar to one hundred men, per day.

four pounds of Soap to one hundred men, per day.

Two pounds of Candles to one hundred men, per day.

And the Commissary General or his Deputy, is hereby empowered and directed, on application from any commanding Officer or Officers of any Corps of the Army, to commute the whole, or any part of the aforesaid rations, with such Corps, and to agree with the person or persons who may contract as aforesaid, to supply an equivalent to the satisfaction of such corps, in any other species of Provisions in lieu thereof.

And be it further *Resolved* that the Treasurer of this Commonwealth, be, and he is hereby directed, to pay out of the Publick Treasury of this Commonwealth, to *Richard Devens*, Esquire, Commissary General, the sum of *Six thousand pounds* one third part thereof out of the money that shall be borrowed by the Treasurer by virtue of an act passed by the General Court at their present session, one third part thereof out of the specie part of the last State Tax, and one other third part thereof out of the specie Taxes which were assessed previous to the year, one thousand seven hundred & eighty four.

And in case the Commissary General shall not be able to contract for the supply of said Troops in manner aforesaid :

Resolve, that the Commissary General be, and he is hereby further directed and empowered, to supply the said Army with the necessary Provisions in the best way

and manner he can, to the full amount of the money herein before Granted, if necessary, he to be accountable for the same.

March 9, 1787.

Chapter 129.

Chap.129

(ROLL No. 4.)

The Committee of both Houses, appointed to examine Accounts, ask leave to report the following Roll, which if allowed will be in full Discharge of said Accounts.

JOSEPH HOSMER, per Order.

To <i>Zenas Parsons</i> , for Supplies for the Troops with Gen. <i>Shepard</i> , in <i>Sept.</i> , 1786, as per Acct.	£11	1	5
To the same Person, for other Supplies for y ^e Militia in the County of <i>Hampshire</i> , in <i>Sept.</i> , 1786, ...	13	13	5
To <i>William Smith</i> , for Supplies for the Militia, in the same County, and in the same Month, and year, ...	39	9	7½
	£64	4	5½

Read and accepted, and thereupon

Resolved, that his Excellency the Governor, with the advice of Council, be, and he hereby is requested, to draw his Warrant on the Treasury, for the payment of the several persons borne on the aforesaid Roll, the sums due to them respectively.

March 8, 1787.

Chapter 130.

Chap.130

RESOLVE FOR PAYING THE MILITIA THAT HAVE BEEN EMPLOYED BY GOVERNMENT, TO SUPPRESS THE LATE REBELLION, AND DIRECTING THE TREASURER IN THIS CASE.

Whereas the General Court in its present Session, have passed an Act providing for the pay and subsistence of the militia, that have been, now are, & may be employed by Government, in suppressing the present rebellion, & have directed a loan of *Forty thousand pounds* to be made on the credit of the unappropriated part of the revenue, arising from Imposts & Excise :

And Whereas the monies arising from the funds aforesaid, may not be so speedily collected as may be wanted for the pay of the militia that have been lately employed as aforesaid : Therefore,

Resolved that the treasurer be, & hereby is empowered & directed, to pay to the several Officers & Soldiers that

have been or shall be employed as aforesaid, such sum or sums as shall be due to them respectively on the rolls made up & allowed according to Law, out of the fund aforesaid, or out of the specie part of the tax granted in *March* last, as shall most facilitate such payment.

And it is further *Resolved* that the Treasurer receive of the several Collectors of the tax aforesaid, any order from any of the Officers or Soldiers aforesaid, drawn in favour of *such collector*, as shall present the same, or of the Selectmen of the town to which the officer or soldier belongs, as equal to specie, not exceeding the sum due to such Officers or Soldiers respectively borne on the said rolls.

Resolved that the Governor & Council be, & they are hereby empowered & requested, to examine & adjust all accounts of supplies of provisions and utensils, and for transportation of the same, furnished by the Selectmen of the several Towns to the Militia that have lately been employed for the suppression of the present rebellion, agreeably to the militia Law. and also the accounts of any other person or persons who have furnished supplies or transportation as aforesaid, for the purposes herein expressed, so far as the same are a proper charge against the State.

And the Governor with advice of Council is hereby authorized to issue warrants upon the Treasurer for the discharge of the same And the Treasurer is directed to pay such warrants out of the specie part of Tax No. 5, or out of such monies as may be borrowed for the pay & subsistence of the militia.

March 9, 1787.

Chapter 131.

(ROLL No. 5.)

Chap.131

The Committee on Accounts having examined the Accounts of the several Persons whose Names are borne upon the following Roll, with the Vouchers accompanying the same, ask leave to Report as their Opinion, that there are due to the Persons named in said Roll, the Sums set against their Names respectively; which Sums if allowed ought to be considered as a full discharge of said Accounts.

JOSEPH HOSMER, per Order.

To <i>Samuel Hall</i> , Printer, for Printing for Government, by Order of the Secretary, to y ^e 20th of <i>Feb^y</i> , 1787,	£.32	17	6
To the Selectmen of <i>Roxbury</i> , for Supplies for the Troops call'd to y ^e Westward, in <i>Jun^y</i> , 1787, which Acct was committed to y ^e Committee on Acc ^{ts} ,	14	4	11
To <i>James Endicot's</i> Services in forwarding Orders to Gen. <i>Cobb</i> , <i>Feb^y</i> 5th, 1787,	1	10	0
To <i>Nath^l Kingsley</i> , for the same Services (to Coll ^l <i>Pond</i> ,) <i>Feb^y</i> 5th, 1787,	1	15	10
To <i>Benjⁿ Larkin's</i> Acct for Binding Books, Paper, &c. to <i>Sept^r</i> 28th, 1786,	28	17	6
To <i>J D Griffith</i> , for Printing, by the Secretary's Order, to <i>Feb^y</i> 8th, 1787,	6	5	0
To the same Person, for y ^e same kind of Service in y ^e year 1786,	5	5	0
To <i>James Kenney</i> , for Boarding and Cloathing <i>Thankfull Kenney</i> , one of y ^e Poor of <i>Charlestown</i> , to the 22d of <i>January</i> , 1787,	21	12	0
To <i>John Austin</i> , one of the Poor of <i>Charlestown</i> , an allowance for his Board to <i>March</i> 2d, 1787,	7	10	0
To y ^e Town of <i>Lincoln</i> , for Supplies to y ^e Soldiers, in <i>Jan^y</i> , 1787,	16	15	7
To <i>Abijah Peirce</i> , for Doct ^r <i>Mann's</i> Acct for Doct ^r ing the Widow <i>Kenney</i> , one of y ^e Poor of <i>Charlestown</i> , Dated <i>March</i> 2d, 1784, (examined by a Physician,)	3	5	6
To <i>William Sever</i> , for services done as Brigade Major, in carrying Orders,	5	18	6
To <i>Joseph Frost</i> , for the same Services, with giving copies of Orders, &c.	11	16	0
To <i>Isaac Tobey</i> , of <i>Barre</i> , to Supplies afforded to Coll. <i>Stearns's</i> Regiment in y ^e Month of <i>Feb^y</i> , 1787,	2	12	11
To <i>J. D Griffith</i> , for Printing by y ^e Secretary's Order in 1786,	6	5	0
To a ballance Due to <i>Jacob Kuhn</i> , Messinger of the House, for Sundry Supplies, such as Candles, Coal, Wood, &c. to y ^e 1st <i>March</i> , 1787.	11	14	1½
To y ^e Hon ^{ble} <i>Richard Cranch</i> , for various Services done for the Commonwealth to y ^e 6th <i>March</i> , 1787,	54	8	9
To Doct ^r <i>Thomas Welch</i> , for Visits and Medicines for several of the poor of <i>Charlestown</i> , for several years, and to <i>Jan^y</i> 1787,	25	0	0
To the Town of <i>Rowley</i> , for taking care of <i>Charles Johnson</i> , a sick man, and one of y ^e State's Poor, to the 15th of <i>Sept^r</i> , 1786,	17	1	9
To <i>John Stutson</i> , for work done at the State House,	2	10	4
To <i>Ezra Sergeant</i> , Esqr; for Posting y ^e Accounts of y ^e Committee on Accounts for several years, in y ^e recess of y ^e General Court in 1786 and 1787, as appears by his Account,	5	0	0
<i>Nath^l Cornish</i> , for boarding <i>Deborah Cossell</i> , while sick, one of the State's Poor, (<i>Plimouth</i> ,)	13	16	0
To Gen. <i>Bridge</i> , for his Services as Adjutant General, in y ^e years 1782, 1783, 1784 and 1785,	27	4	0
To <i>Thomas</i> and <i>John Fleet</i> , for Printing for the Commonwealth, to the 26th of <i>Feb^y</i> , 1787,	94	16	8
To the Town of <i>Haverhill</i> , for Boarding <i>Elizth Hooper</i> , one of the <i>Charlestown</i> Poor, to y ^e 22d of <i>Feb^y</i> , 1787,	10	0	0

To <i>Abraham Foster</i> , for what he did at the Treasurer's office, ...	£.1 13 0
To <i>Lydia Boulstone</i> , one of the Poor of <i>Charlestown</i> , for boarding herself to y ^e 3d of <i>March</i> , 1787. N. B. (Aged and Lame,)	20 0 0
To <i>Joseph Sweetser</i> , another of the Poor of <i>Charlestown</i> , for boarding himself, to y ^e 3d of <i>March</i> , 1787, (An Aged Man and infirm,)	20 0 0
To <i>Joseph Smith</i> , of <i>Lexington</i> , for Boarding and Nursing <i>Sarah Fowle</i> , a sick Woman, one of the poor of <i>Charlestown</i> , from <i>April</i> 1st, 1786, to <i>Octr</i> 1st, 1786. N. B. another Acc ^t reported to <i>Juny</i> , 1787, ...	11 14 0
To <i>Sam^l Thompson</i> , Esqr; for a Whale Boat D ^e Coll. Hunter, by Order of <i>W^m Lithgow</i> , Junr. Esqr; in y ^e Year 1782, ...	18 0 0
<i>Thos^s B. Wait</i> , for Printing by Order of y ^e Secretary, in the County of <i>Cumberland</i> , to <i>Sept</i> 25th, 1786, ...	7 16 0
The Town of <i>Billerica</i> , for Boarding <i>Jane Wood</i> , one of y ^e State's Poor, to <i>Novr</i> 24th, 1786, ...	19 10 0
The same Town, for Boarding <i>Dorothy Lamson</i> , one of y ^e <i>Charlestown</i> Poor in her last Sickness, with other Charges, to <i>Jan^y</i> 1787, ...	3 18 0
The same Town, for Boarding <i>Elizth Lampson</i> , another of y ^e poor of <i>Charlestown</i> , to <i>Jan^y</i> 26th, 1787, ...	3 18 0
To <i>Justus Dwight</i> , for Boarding <i>Agnis Thompson</i> , one of y ^e State's Poor, to the first of <i>May</i> , 1786, ...	18 4 0
To <i>James Sherman</i> , for Painting on account of y ^e Castle Boat, Oars, &c. to <i>Aug^t</i> , 1786, ...	14 14 0
To <i>James White</i> . for Paper for y ^e use of the Office of y ^e Clerk of the Supreme Judicial Court, to <i>March</i> 7th, 1787, ...	11 2 0
N. B. This Paper was for y ^e Records of the Commonwealth.	
To <i>Robert Thorndike</i> , for the loss of a Boat in the <i>Penobscot</i> Expedition, in 1779; his great distance, &c. preventing his applying sooner, committed by both Houses to the Committee on Accounts, ...	15 0 0
To the Town of <i>Marlborough</i> , for Removing, Nursing, Doct ^r s Bill, Burying and for other Expences, an Indian Woman, &c. that providentially fell in there, ...	3 13 2
To supplying the Troops under Gen. <i>Lincoln</i> , &c. in <i>Jan^y</i> last, as appears by Account from the Selectmen of <i>Marlborough</i> , with Receipts, ...	20 1 8
To <i>William Wyer</i> , for Supporting <i>Ruth Cogswell</i> , and one Child, <i>Charlestown</i> Poor, from <i>Novr</i> 20th, 1785, to <i>May</i> 20th, 1786, ...	7 16 0
To <i>Ruth Cogswell</i> , towards Supporting Herself, and two Children. from <i>May</i> 20th 1786, to <i>Jan^y</i> 1st 1787, (<i>Charlestown</i> poor)	13 19 0
	£.639 1 8½

Read and accepted, and thereupon

Resolved, that his Excellency the Governor, with the advice of Council. be, and he hereby is requested, to draw his Warrant upon the Treasury for the payment of

the several persons borne on the aforesaid Roll, the sums due to them respectively, amounting in the whole to *six hundred and thirty nine pounds, one shilling and eight pence half penny.* *March 9, 1787.*

Chapter 132.

Chap.132

RESOLVE ON THE PETITION OF WATERMAN THOMAS.

Resolved, There be Allowed and paid Out of the Treasury of this Commonwealth, to *Waterman Thomas, Esqr.* the Sum of *Seventeen hundred thirty six pounds, four Shillings and eleven pence*, in full of his account as Commissary, and Quarter Master, in the Eastern Department.

And the Treasurer is hereby Directed to Issue Orders in favour of the said *Waterman*, for the Sum of *four hundred pounds*, on the Specie part of the Tax Granted in *March Last*, and appropriated to Defray the Expence of Government.

And the Treasurer is Further Directed, to Issue Orders in Favour of the Said *Thomas*, for the Sum of *thirteen hundred thirty six pounds, four shillings and Eleven pence*, Being the residue of y^e Sum first mentioned, on any of the Delinquent Collectors in the County of *Lincoln*, for any Tax assessed prior to the said Tax Granted in *March Last*.

And the Committee on the Subject of unappropriated Lands in the County of *Lincoln*, appointed by a Resolve of the General Court of the *28th of Octo^r 1783*, be, and hereby are Directed, to receive the Last mentioned Orders, Equal to Specie, in payment for any Lands, the Said *Thomas* May purchase of the Said Committee.

And it is Further *Resolved*, that there be Allowed and paid out of the publick Treasury, to *James Sherman*, Deputy and assistant to the Said Commissary, the Sum of *two hundred eighty seven pounds three shillings and ten pence*, in full of his account; to be paid in the same manner and proportion as is Expressed in the foregoing Resolves, Relative to the payment of the aforesaid Commissary, saving that Orders in favor of the said *Sherman* shall be issued on Collectors in the County of *Cumberland*.

And the Said Treasurer is Further Directed, to Credit the Town of *Georgetown* the Sum of *One hundred and*

Sixty nine pounds, Eighteen shillings and Eight pence, in full for the Tax assessed on the Said Town in the year 1780, which Sum the aforesaid *Waterman Thomas*, has Credited, and has Been allowed to this Commonwealth in the Settlement of the s^d *Thomas's* account.

March 9, 1787.

Chapter 133.

RESOLVE ON THE PETITION OF *JOSIAH COFFIN*, ESQ.

Chap.133

On the Petition of *Josiah Coffin*, Sole Executor on the Estate of *Josiah Coffin*, Esqr; late of *Nantucket*, Deceased, praying allowance for twelve fire arms, Six Byonets and 296 lbs. of muskett Balls, which were Recd. of the s^d Deceased by the Committee of Supplies, in y^e year 1775 :

Resolved, that there be allowed and paid out of the publick Treasury, to the Petitioner, the Sum of *twenty pounds twelve shillings and six pence*, in Full Satisfaction for the Said Articles.

March 9, 1787.

Chapter 134.

RESOLVE ON THE PETITION OF A COMMITTEE OF *PHILLIPS'S ACADEMY*.

Chap.134

On the Petition of the Trustees of *Phillips's Academy* :

Resolved, That the Lands and other Estate now belonging, or which shall belong to *Phillips's Academy*, to Such an amount as shall produce an income not exceeding *two hundred Pounds* per annum, be, and they are hereby exempted from Taxation, until the further order of the General Court.

March 10, 1787.

Chapter 135.

RESOLVE ON THE PETITION OF *WILLIAM WETMORE*, ESQ; IN BEHALF OF *GEORGE ERVING*, ESQ.

Chap.135

On the Petition of *William Wetmore*, Esqr; of *Boston* :

Resolved that the petitioner notify *John Tiley*, by serving him with an attested copy of his petition and this resolve thereon, at least fourteen Days before the second wednesday of the next sitting of the General Court, to shew cause, (if any he hath) on said day, why the prayer

of the said petition should not be granted, and that all proceedings of the said *John Tiley* be stayed in the mean time.
March 10, 1787.

Chapter 135A.

Ch. 135A RESOLVE ON THE PETITION OF *WALTER MC'FARLAND*, IN BEHALF OF THE TOWN OF *HOPKINTON*.

On the Memorial of *Walter Mc'Farland*, in the behalf of the Inhabitants of the Town of *Hopkinton*, praying for the discharge of about *one hundred pounds*, being the Remainder of several Taxes found by the late Treasurer *Gray's Books*, to be due from Said Inhabitants, for which *Thomas Ivers*, Esqr; present Treasurer, hath Issued his Execution.

Resolved that the prayer of Said Memorialist be so far granted, as that the Said *Thomas Ivers*, Esqr; stay said Execution till the third Wednesday of the next Siting of the General Court.
March 10, 1787.

Chapter 136.

Chap.136 RESOLVE ON THE PETITION OF *JOSEPH FRYE*, ESQ.

On the Petition of *Joseph Frye*, Esqr; praying for the confirmation of a tract of land, as set forth in the said Petition.

Resolved that the prayer of said Petition be so far granted, that four thousand one hundred and forty seven acres of Land, in the County of *York*, in said Common Wealth, be, and hereby is confirmed unto the said *Joseph Frye*, and the other Proprietors of *Fryeburg*, their heirs and assigns, in lieu of so much land released by them to this common Wealth; the said four thousand one hundred and forty seven Acres is Bounded as follows, Viz. Beginning at a Spruce tree, standing in the North Easterly side line of *Fryeburg*, and at the Westerly Corner of *New Suncook*; thence North West to the Northerly corner of said *Fryeburg*; thence south West eight hundred rods, adjoining said *Fryeburg*, to a beach Tree; thence to run from said beach Tree North, eight degrees east; and from the said Spruce Tree first mentioned, to run North Easterly on the North West side of *new suncook*, until four

thousand one hundred and forty seven acres be made up at a head line running East and West, provided the same doth not interfere with any former Grant.

March 10, 1787.

Chapter 137.

RESOLVE ON THE PETITION OF *ANDREW MACHIE*, IN BEHALF *Chap.137*
OF THE TOWN OF *WAREHAM*.

On the Petition of *Andrew Machie*, on the behalf of the Town of *Wareham*, praying that the time limited for the payment of certain Taxes, by the Said Town, may be prolonged.

Whereas by a Resolve of the General Court, passed *March 23d, 1786*, Taxes on the Said Town were abated, to the amount of *three Hundred and twenty Pounds*, on Condition that the remaining Sum then due to the Treasurer from the Said Town, Should be paid into the Treasury, in nine months from the date of the Said Resolve; and it appears reasonable, that a further time Should be allowed for the payment of the Said remaining Sum :

Resolved, That the Said Town of *Wareham* Shall be entitled to the benefit of the Said abatement, provided the Said remaining Sum Shall be paid into the Treasury by the Said Town, at any time before the first Day of *January* next, any Law or Resolve to the Contrary notwithstanding.

March 10, 1787.

Chapter 138.*

RESOLVE ON THE PETITION OF *DAVID FAY*, GRANTING HIM *Chap.138*
NINE POUNDS.

On the petition of *David Fay*, praying he may be allowed and paid his wages, as he was a soldier in the thirteenth *Massachusetts* regiment, A. D, 1777 :

Resolved that there be allowed and paid to said *David Fay*, out of the Treasury of said Commonwealth, the sum of *nine pounds*, in full of his wages for eight months service.

March 10, 1787.

* Taken from court record.

Chapter 139.

Chap.139

RESOLVE ON THE PETITION OF WILLIS HALL.

Whereas certain messuages, lands and tenements, laying within this Commonwealth, & late y^e estate of *Isaac Royall*, esq^r; of *Medford*, in the county of *Middlesex*, an absentee, deceased, not having been confiscated, were intailed and otherwise specially devised, in & by his last will & testament, dated y^e 26th day of *May*, 1778, w^{ch} will hath been duly proved & approved by y^e Judge of y^e probate of wills, &c. in & for y^e county of *Suffolk*: & whereas by two certain acts of the General Court, made & passed on y^e 24th day of *March*, & on y^e 10th day of *November*, A. D. 1784, it was among other things declared, that the lands and buildings, w^{ch} y^e persons therein mentioned held in fee simple, or by a lesser estate, on the 19th day of *April*, A. D. 1775, & which had not been confiscated, nor pledged by Government, nor sold for y^e payment of debts, &c, should be delivered up to the persons owning y^e same on the said nineteenth day of *April*, or to y^e persons claiming under them, provided they were not of the description of persons called Conspirators; and that such owners and claimants should have y^e privilege of disposing of the same, at any time within three years from y^e s^d twenty fourth day of *March*, to any citizen of this or either of y^e United States: And whereas since y^e passing y^e same acts, certain of y^e Messuages, lands & tenements aforesaid, by y^e death of the said *Isaac*, and pursuant to his said will, have come into y^e possession of some of the devisees therein mentioned, who have not had opportunity, & who are minors and have not capacity to sell and convey their estate and interest therein; and as doubts may be entertained, whether the said devisees are within the purview of the acts aforesaid, and whether it is necessary that they should sell and convey as aforesaid, their said estate and interest, as they respectively come into possession:

It is therefore *Resolved* That y^e Devisees and tenants respectively, under y^e will and testament aforesaid, who are not capable by law of holding estates within this Commonwealth, be, & they hereby are authorized to sell & convey their estate and interest in y^e messuages, lands & tenements aforesaid, to any citizen of this, or of either of

the United States; provided that a deed thereof, executed in due form of law, be made out within three years from the time of such tenant or devisee being seized or coming into possession thereof; and if such devisee or devisees so in possession, shall be under y^e age of twenty one years, then the said deed to be made out within three years from the time of such devisees arriving at full age.

March 10, 1787.

Chapter 140.

REPORT OF THE COMMITTEE ON MAJOR-GENERAL SHEPARD'S LETTER, FEBRUARY, 1787. *Chap.140*

Resolved, That his Excellency the Governour, be requested to issue a proclamation, warning all persons against purchasing any real estate from such persons as are, or have been concerned in the present rebellion; except from such persons as are or shall be entitled to the benefits of an Act passed by the General Court on the sixteenth day of *February* last, describing the disqualifications of certain persons, & except from those to whom indemnity shall have been promised in behalf of the General Court, inasmuch as such conveyances, upon the person conveying such estate being convicted of treason, are & will by Law be considered fraudulent and illegal.

Resolved that his Excellency the Governour be, & he hereby is requested, to give directions to the commanding officers of the Government Troops in the Counties of *Worcester, Hampshire and Berkshire*, respectively, to arrest all persons concerned in the present rebellion, who shall be moving out of this State with their property & effects, except those who are entitled to the benefits of the Act aforesaid, untill such persons shall be acquitted of the imputation of treason by a due course of Law, or until they shall receive, in behalf of the General Court, a promise of indemnity by Commissioners appointed for that purpose.

March 10, 1787.

Chapter 141.

RESOLVE ON THE PETITION OF LEMUEL COX, GRANTING HIS SIX POUNDS THIRTEEN SHILLINGS AND FOUR PENCE. *Chap.141*

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to *Lemuel Cox*,

the Artificer in the Corps of Artillery, under the command of Major General *Lincoln*, for his Services for thirty one Days, the Sum of *Six Pounds, thirteen shillings and four pence*, which Sum is to be in full of his Account.

March 10, 1787.

Chapter 142.

Chap.142 ORDER APPOINTING MR. ISRAEL JONES, ON A COMMITTEE FOR SALE OF LANDS, IN THE COUNTY OF BERKSHIRE.

Ordered that Mr. *Israel Jones*, be on the Committee for the sale of the unappropriated public lands in the County of *Berkshire*, in the room of *John Bacon*, Esqr; resigned.

March 10, 1787.

Chapter 143.

Chap.143 RESOLVE FOR PAYING THE COMMITTEE ON ACCOUNTS FOR THEIR SERVICES.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, To the Hon^{ble} *Charles Turner*, Esqr; the Sum of *Thirteen Shillings and Six pence*; To the Hon. *Jos Hosmer*, Esq; The Sum of *Three pounds*; To *John Carnes*, Esq; the Sum of *Three pounds thirteen Shillings, and six pence*, And to *Ezra Sargeant*, Esq; the Sum of *Three pounds, thirteen shillings and Six pence*, being in full for their Extra Services as Committee on Accounts.

March 10, 1787.

Chapter 144.

Chap.144 RESOLVE ON THE PETITION OF DAVID NOYES.

On the Petition of *David Noyes*, of *Portland*, in the County of *Cumberland*, praying that the sum of *Thirty five Pounds*, part of a Tax of £220, committed to him to collect, for the Town of *Falmouth*, in said County, for the year 1766, be remitted to him, and the Treasurer of this Commonwealth directed to recall the Execution issued against the said Petitioner for the aforesaid *Thirty five Pounds*, and now in the Hands of the Sheriff of the County of *Cumberland* aforesaid, for Reasons set forth in said Petition :

Resolved that the prayer of the Petition be granted, and

that the Town of *Falmouth* aforesaid, be, and they hereby are abated the *thirty five Pounds* aforesaid; and the Treasurer of this Commonwealth is directed to recall his Execution issued against the said *David Noyes*, accordingly.

March 10, 1787.

Chapter 145.*

RESOLVE FOR APPOINTING THREE COMMISSIONERS TO PROCEED TO THE WESTERN COUNTIES, FOR THE PURPOSES MENTIONED Chap. 145

Resolved, That three persons be appointed Commissioners, to proceed without delay into the Counties of *Middlesex*, *Hampshire*, *Worcester* and *Berkshire*, whose duty it shall be, upon application made to them for indemnity, by or in behalf of any of the persons who have been concerned in the present rebellion, and who are not entitled to the benefits of an Act describing the disqualifications of certain persons, passed by the General Court on the 16th of *February* last, to make full and particular enquiry into the characters and conduct of such persons, and thereupon, in the name and behalf of the General Court, to promise indemnity to such of the said persons, (on their taking and subscribing the oath of allegiance to this Commonwealth) in favor of whom satisfactory evidence shall be produced, that they are duly penitent for their crimes, and properly disposed to return to their allegiance to the State, and to discharge the duty of good and faithful Citizens thereof; and to do this, either with or without any or all the conditions, restrictions and disqualifications, enumerated in the act aforesaid; and with, or without the farther condition of their being bound to keep the peace, and be of the good behaviour for a limited term of time, not exceeding three years.

Provided, that the Commissioners aforesaid shall not be empowered to promise indemnity, in any manner whatever, to *Daniel Shays*, *Adam Wheeler*, *Eli Parsons*, or *Luke Day*, or to any person or persons who have fired upon or killed any of the citizens, in the peace of the Commonwealth, or to the person commanding the party, to which such person or persons belonged, or to any of those persons who have been considered and acted as a Council of War for, and regulated the movements of the rebel forces, since the 20th of *January* last; or to any

* Taken from court record.

person or persons against whom a warrant from the Governor and Council shall have issued, except to such as the Governor has or shall liberate on bail or otherwise.

And it shall be also the duty of the said Commissioners, upon application made to them, by or in behalf of any of the persons who are entitled to the benefits of the Act aforesaid, to make the like full and particular enquiry into their characters and conduct, and thereupon, in behalf of the General Court, to promise a remission of the said conditions, restrictions and disqualifications, in whole or in part, to such of the said last mentioned persons, in favor of whom satisfactory evidence shall be produced, that they are duly penitent for their crimes, and properly disposed to return to their allegiance to the Commonwealth, and to discharge the duty of faithful citizens, in such manner as shall appear to the said Commissioners, will be most promotive of the safety, honour and happiness of the Commonwealth. And the said Commissioners are hereby empowered to call before them any person or persons, whom they shall judge necessary, to give evidence relative to the character and conduct of any person or persons concerning whom application shall be made to them as aforesaid; and also to administer oaths for the better discovery of truth in any case which may come before them.

And the said Commissioners are hereby instructed, not to attend to the cases of the last described persons, in such manner as to interfere with the duty which is herein first assigned them: And the agreement of any two of the said Commissioners, shall determine every question that shall come before them.

And it is further *Resolved*, that in case either of the Commissioners, who may be appointed in pursuance of the foregoing resolve, shall decline accepting the trust, or be unable to proceed or continue in the execution thereof, in such case the Governor be, and he is hereby authorized and requested, with advice of Council, to appoint others in their room.

March 10, 1787.

Chapter 146.

Chap.146 RESOLVE GRANTING FIFTY POUNDS TO EACH OF THE COMMISSIONERS, TO PROCEED TO THE WESTERN COUNTIES.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth, To the Hon^{ble}. *Benj^a Lincoln*,

the Hon^{ble}. *Sam^l Phillips*, and the Hon^{ble}. *Sam^l Allin Otis*, Esquires (who are appointed to proceed to the Western Countys to promise pardons to Certain persons) the sum of *fifty pounds* Each, They to be Accountable for the Sums they shall respectively receive. *March 10, 1787.*

Chapter 147.

RESOLVE APPOINTING DELEGATES FOR CONVENTION, TO BE COMMISSIONED. *Chap.147*

Whereas Congress did, on the 21st day of *February*, 1787, Resolve, “that in the opinion of Congress, it is expedient that on the second monday in *May* next, a Convention of Delegates who shall have been appointed by the several States, to be held at *Philadelphia*, for the sole & express purpose of revising the articles of Confederation, and reporting to Congress & the several Legislatures, such alterations & provisions therein, as shall, when agreed to in Congress, and confirmed by the States, render the federal Constitution adequate to the exigencies of Government & the preservation of the Union.”

And whereas the Legislature of this Commonwealth, did on the third day of this present month, elect the honorable *Francis Dana*, *Elbridge Gerry*, *Nathaniel Gorham*, *Rufus King*, and *Caleb Strong*, esquires, Delegates, or any three of them, to attend and represent this Commonwealth, at the aforesaid Convention, for the sole & express purpose mentioned in the aforerecited resolve of Congress.

Resolved that his Excellency the Governour be, & he hereby is requested, to grant to the said *Francis Dana*, *Elbridge Gerry*, *Nathaniel Gorham*, *Rufus King*, & *Caleb Strong*, esq^{rs}. a commission, agreeably to said resolution of Congress. *March 10, 1787.*

Chapter 148.

RESOLVE FOR PRINTING MAPS OF THE TOWNSHIPS TO BE SOLD BY LOTTERY. *Chap.148*

Whereas it is necessary a sufficient number of maps, exhibiting the marks and numbers of the several Townships, which are proposed to be disposed of by the State lottery, established for that purpose, should be struck off, to be distributed in the several Towns of this Common-

wealth, for the information of those who are disposed to become adventurers in the said lottery :

Resolved that the Managers of the lottery, established for the sale of the Eastern lands, be, and they are hereby directed, to cause a sufficient number of Maps, containing the marks and numbers of the several Townships, which are proposed to be disposed of by the said lottery, to be struck off, and distributed in the several Towns within this Commonwealth, for the information of those, who may become adventurers therein. *March 10, 1787.*

Chapter 149.

Chap.149

RESOLVE ON THE PETITION OF *ELI FORBES*.

On the Petition of *Eli Forbes*, praying that the Justices of the Court of Common Pleas for the County of *Lincoln*, may reconsider the report of the Referees in several Actions pending between *Nathan Jones*, and the Petitioner, Notwithstanding a Resolve of the General Court passed *Octr. 11, 1786*.

Resolved, that the Prayer of the petition be granted, and that the Justices of the Court of Common Pleas for the County of *Lincoln*, be, and they are hereby impowered and directed, to reconsider the aforesaid report as fully, and to all Intents and purposes, as by Law they could have done had not said Resolve passed; and that the petitioner notify said *Nathan Jones* of this Resolve, fourteen Days before the next sitting of the Court of Common Pleas in the County aforesaid. *March 10, 1787.*

Chapter 150.

Chap.150 RESOLVE PROVIDING FOR SWEARING CERTAIN TOWN-OFFICERS.

Resolved, that the several persons that have been, or may hereafter be chosen for the present year, as Selectmen, Assessors, Town Clerk, Town Treasurer, Constables and Collectors, in the several Towns, Districts and Plantations of this Commonwealth, be, and they hereby are required, before the Town Clerk, or before some Justice of the Peace, to take and subscribe the Oath of Allegiance, as prescribed in the Constitution of this Commonwealth; and the same certificate shall be made, if taken before a Justice of the Peace, as is already provided by law for the Oaths of Town, District or Plantation Officers; and the Town Clerk is directed to record the same in the Book in

which he is directed by law to record the several Oaths to be taken by the said Officers respectively, to quallify them to perform the Duties thereof; And no act of either of the Officers aforesaid, shall after one month from the passing of this Resolve, be esteemed valid in law, untill they have taken and subscribed the Oath aforesaid; any law, usage or custom, to the contrary notwithstanding.

And be it further *Resolved*, that in case any Person, chosen to either of the Offices aforesaid, shall neglect or Refuse, within *one month* from the passing this Resolve, and hereafter annually, within seven days from the Time of his Election, the Town to which such Person or Persons belong, at a legal meeting appointed for that purpose, shall proceed to make choice of some other person or persons, to serve in the Office or Offices, to which the person or persons so neglecting or refusing, had been elected; and the person or persons so refusing or neglecting to take the oath as aforesaid, shall be liable to the same penalties, as is by law provided in case of refusal to serve in the office to which he or they have been elected.

And that the Secretary be, and he hereby is directed, to Publish these Resolves in the several News Papers, three weeks, at least, Successively, And to transmit a copy of the same, to the Clerk of Each Town, District, and Plantation in this Commonwealth.

March 10, 1787.

Chapter 151.

RESOLVE GRANTING ONE HUNDRED POUNDS, TO EACH OF THE DELEGATES TO MEET IN CONVENTION AT PHILADELPHIA, IN MAY NEXT.

Chap.151

Whereas the Legislature of this Commonwealth, did, on the third day of *March* instant, elect the honorable *Francis Dana*, *Elbridge Gerry*, and *Caleb Strong*, esq's, as three of the Delegates on the part of this Commonwealth, to meet on the second monday of *May* next, at *Philadelphia*, in Convention, with such Delegates as may be appointed by the Legislatures of the other States in the Union, for the purpose expressed in a resolution of Congress passed the 21st day of *February*, 1787.

Resolved, That there be paid out of the Treasury of this Commonwealth, the sum of *one hundrell Pounds*, to each of the abovenamed Delegates, who may proceed on the commission, they being accountable for the sums they May Respectively Receive.

March 10, 1787.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

TOGETHER WITH THE SPEECH AND MESSAGES OF HIS EX-
CELLENCY THE GOVERNOUR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE 31st DAY OF *MAY*, *ANNO DOMINI*,
1786; AND FROM THENCE CONTINUED BY PROROGATION AND
ADJOURNMENTS, TO WEDNESDAY THE TWENTY-FIFTH DAY
OF *APRIL*, 1787.

Chapter 1.*

Chap. 1

[April Session, ch. 1, 1786.]

Chapter 2.†

Chap. 2

[April Session, ch. 2, 1786.]

Chapter 3.

RESOLVE, THAT THE TREASURER WHO SHALL BE ELECTED,
GIVE BOND TO THE FIRST COUNCELLER, PRESIDENT OF
THE SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN THE SUM OF *THIRTY THOUSAND POUNDS*,
PREVIOUS TO HIS ENTERING ON THE DUTIES OF SAID
OFFICE, AND TO BE LODGED IN THE SECRETARY'S OFFICE. *Chap. 3*

Resolved, that the Person who shall be Elected to the
Office of Treasurer and Receiver General, shall previously
to his entering on the duties of the said Office, besides
taking and subscribing the declaration and Oaths pre-
scribed in the Constitution of this Commonwealth (which

* Governor's message, see end of volume. Taken from court record.

† Governor's message, see end of volume.

shall be done before the Governor and Council) shall also give bond, with three good and sufficient sureties, in the sum of *Thirty thousand pounds*, to his Honor *Thomas Cushing* Esqr; as first Counciller of this Commonwealth, the Hon^{ble} *Samuel Phillips, Jr* Esqr; as President of the Senate, and the Hon^{ble} *Artemas Ward* Esqr; as Speaker of the House of Representatives, and to their successors in the respective Offices before named; which bond shall be conditioned for his truly and faithfully discharging the duty of his Office, according to Law, and for rendering an account, when and so often as he shall be required by the General Court, of all such sum or sums of Money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in the said Office, or to any other that may be appointed by the General Court to receive the same, all such sum or sums, as upon such settlement of his said Account, or otherwise, shall be found due and payable to this Commonwealth. And the said Bond, when duly executed, shall be deposited in the Secretary's Office for safe keeping — and the Persons before named shall be a Committee, who are hereby authorized to judge and determine on the sufficiency of those, who shall be proposed as sureties for the Treasurer as aforesaid.

And it shall be the duty of the Governor and Council, and they are hereby empowered, when they shall judge it necessary, to direct the Attorney General to put in suit the Bond aforesaid, who is required upon receiving such direction, to put the said Bond in suit accordingly.

April 27, 1787.

Chapter 4.

Chap. 4 RESOLVE LENGTHENING THE TIME FOR RECEIVING FACILITIES IN PAYMENT OF THE TAX GRANTED IN 1786.

Whereas a Resolve passed the General Court *November 15th, 1786*, authorizing and directing the Collectors of the Tax granted *March 1786*, to receive one third part of said Tax in Certificates, issued from the Loan Office, for interest on the Liquidated Debt of the United States, Provided they were paid with a Sum in Specie Equal to one half of such Certificates, on or before the first day of *April* then next: And whereas the Loan Officer of this Commonwealth has not been Sufficiently furnished with

Certificates for Interest due to the Citizens thereof for the payment of the said Interest. Therefore

Resolved, that the Collectors aforesaid be, and hereby are authorized and directed, to receive One third part of said Tax in the Certificates aforesaid, provided they are paid with a Sum in Specie, Equal to one half of such Certificates, on or before the first day of *July* next : *Provided Also*, that one other third part of the Tax aforesaid, which is to be paid in Army Notes, or Certificates issued therefor, from the Treasurer of this Commonwealth, and the Residue of the said Tax in Specie, be paid within the Time aforesaid.

Whereas it is to be presumed, that the Loan Officer aforesaid will be able seasonably to pay the Certificates for Interest which are now due to the Citizens of this Commonwealth, no further Indulgence in the payment of the said Taxes will be given.

April 27, 1787.

Chapter 5.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF BOSTON, REQUESTING THE GOVERNOR TO ISSUE BRIEFS THROUGHOUT THE COMMONWEALTH, FOR THE BENEFIT OF THE SUFFERERS BY THE LATE FIRE IN BOSTON.

Chap. 5

On the Petition of the Selectmen of the Town of *Boston*, in behalf of near one hundred unfortunate Families, that have been deprived of their Houses, and in many Instances reduced to extreme Poverty, by a destructive Fire, that took place on the Evening of the 20th Instant.

Whereas a great number of unfortunate Persons, from Ease and Affluence, have been by the Providence of God, at once reduced to extreme Poverty and Wretchedness : And Whereas it is peculiarly the Duty of the humane and well disposed, to relieve the Afflicted, and to assist the distressed, especially in times of such Calamities, as must excite the sympathetic Feelings of every benevolent and humane breast.

Therefore *Resolved*, That his Excellency the Governor, be desired to send Briefs throughout the Commonwealth, strongly recommending the unhappy case of the Sufferers aforesaid, to the Inhabitants of this Commonwealth, and calling upon them for a general Contribution, to be paid into the hands of the Selectmen and Overseers of the poor

of the Town of *Boston*, to be by them distributed as they in their discretion judge proper: and the s^d Selectmen and Overseers are hereby required to lay the account of the money raised by the publick Contributions, and the Distribution thereof, before the next General Court.

April 28, 1787.

Chapter 6.

Chap. 6 RESOLVE ON THE PETITION OF *JOSEPH CURTIS*, IN BEHALF OF THE TOWN OF *EAST SUDBURY*.

On the Petition of *Joseph Curtis*, in behalf of the Town of *East Sudbury*, praying that an Execution of *two hundred eighty three pounds ten shillings, eleven pence and two farthings*, now in the hands of the Sheriff of the County of *Middlesex*, issued by the Treasurer of this Commonwealth, against *John Tilton*, one of the Collectors of the Town of *East Sudbury* aforesaid, for the year 1782, be stayed; for reasons sett forth in Said Petition.

Resolved, that the prayer of the Petition be Granted, and that the aforesaid Execution be, and hereby is stayed untill the first day of *November* next, the Said *John Tilton*, or the Town of *East Sudbury*, paying the Cost that has arisen on Said Execution.

April 28, 1787.

Chapter 7.

Chap. 7 RESOLVE ON THE PETITION OF *ELIZABETH INCHES*, WIDOW, AUTHORIZING HER TO ERECT A DWELLING-HOUSE AND OTHER BUILDINGS FROM THE AVAILS AND ASSETS OF THE ESTATE OF HER LATE HUSBAND, *HENDERSON INCHES*, AND DIRECTING THE JUDGE OF PROBATE FOR *SUFFOLK COUNTY*, IN THIS CASE.

On the Petition of *Elizabeth Inches*, Widow of *Henderson Inches*, late of *Boston*, in the County of *Suffolk*, deceased, and Administratrix on the estate of the Said *Henderson*, praying that she may be authorized to erect a dwelling house on the same ground where the late dwelling house of the Said *Henderson*, was consumed by fire: for Reasons set forth in her Petition,

Resolved that the Prayer of the Petition be granted, and the said *Elizabeth Inches*, is hereby fully authorized and impowered, to erect a Dwelling house and other necessary Buildings, from the avails and assets of the Estate of the Said *Henderson Inches*, in her hands, on the

same lot of ground where the late Dwelling house of the said *Henderson* was Consumed by fire; and that the said *Elizabeth Inches*, together with the four Children, Heirs of the said *Henderson*, deceased, shall have and hold Said Buildings when erected, in the same manner, and in the same proportion, which they were by law entitled to have and hold the Dwelling house Consumed as aforesaid: And that the Judge for the Probate of Wills &c. for the County of *Suffolk*, be, and he is hereby directed, to allow to the said *Elizabeth Inches*, in the settlement of her accounts of administration, all the reasonable expenditures that she shall make in erecting the Buildings aforesaid, She Producing sufficient vouchers for the same; any thing in the Laws for the Settlement of the Estates of Intestates, to the Contrary notwithstanding.

April 30, 1787.

Chapter 8.*

Chap. 8

[April Session, ch. 8, 1786.]

Chapter 9.*

Chap. 9

[April Session, ch. 9, 1786.]

Chapter 10.*

Chap. 10

[April Session, ch. 10, 1786.]

Chapter 11.†

FORM OF A BOND TO BE GIVEN BY THE TREASURER AND RECEIVER-GENERAL OF THIS COMMONWEALTH.

Chap. 11

Know all men by these Presents, that we *Alexander Hodgdon*, of *Boston*, in the County of *Suffolk*, in the Commonwealth of *Massachusetts*, Esquire as principal, and *John White*, Esquire; Merchant, *John Lucas*, Esqr; and *John Warren*, Esquire; all of *Boston* aforesaid as sureties, are held, and stand firmly bound and obliged to his Honor *Thomas Cushing*, Esqr; as first Counsellor of this Commonwealth, the Honorable *Samuel Phillips*, junior. Esqr; as President of the Senate, and the Honorable *Artemas Ward* Esqr; as Speaker of the House of Representatives, & to their Successors in the respective

* Governor's message, see end of volume.

† Taken from court record.

Offices before named, agreeably to a resolve of the General Court, passed the twenty seventh day of *April*, 1787, in the full and just sum of *thirty thousand pounds*, to be paid to the said *Thomas Cushing*, *Samuel Phillips*, jun^r. and *Artemas Ward*, Esqrs; or to their successors in said Offices, of being first Counsellor, President of the Senate, and Speaker of the House of Representatives, to and for the use of the Commonwealth aforesaid, to which payment well & truly to be made, we bind ourselves, our heirs executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, & dated this thirtieth day of *April*, in the year of our Lord, one thousand seven hundred and eighty seven, and in the eleventh year of the independence of the united States of *America*.

The Condition of this obligation is such, That whereas the said *Alexander Hodgdon*, is chosen and appointed by the honorable the Senate, and House of Representatives of the Commonwealth aforesaid, Treasurer and Receiver General for the same, for one year, commencing on the twenty seventh of the present month; if therefore the said *Alexander Hodgdon* shall truly and faithfully discharge the duty of his trust, according to law, and render an account when, and so often as he shall be required by the General Court, of all such sum or sums of money as he shall from time to time receive into the Treasury, and shall well and truly pay to his successor in the said Office, or to any other person that may be appointed by the General Court to receive the same, all such sum or sums of money and other property, as upon such settlement of his said accounts, or otherwise shall be found due, and payable from him to this Commonwealth, as Treasurer and Receiver General aforesaid, then the above written obligation to be void and of none effect; but in default thereof to remain in full force. *Provided* that this bond be put in suit within three years next after the date hereof, and not otherwise.

Signed, sealed & delivered,
in presence of us,

Commonwealth of *Massachusetts*.

The Committee appointed to prepare a form of a bond, to be signed and executed by the Treasurer and Receiver

General of this Commonwealth, elected the present Session, beg leave to report the foregoing.

S. Adams, per Order.

In Senate, read and accepted.

In the House of Representatives, read and concurred.

April 30, 1787.

Chapter 12.

RESOLVE ON THE GOVERNOUR'S MESSAGE, REFERRING ALL ACCOUNTS FOR SUPPLIES TO THE TROOPS UNDER GENERAL LINCOLN, FURNISHED BY THE SELECTMEN OF TOWNS OR OTHER PERSONS, FOR SAID TROOPS, TO THE COMMISSARY GENERAL, AND QUARTER MASTER GENERAL.

Chap. 12

Resolved, That all Accounts for supplies Which belong to the Department of the Commissary General, furnished by the Selectmen of Towns, or other Persons, for the troops that have been Employed for suppressing the late Rebellion, be adjusted, Liquidated & Paid by *Richard Devens*, Esqr; Commissary General. & that all supplies & transportation furnished as above, belonging to the Department of the Quartermaster General, be also adjusted, Liquidated, & Paid by *Amasa Davis*, Esqr; Quartermaster General. & whereas many of the accounts above mentioned, have Charges against both Departments, which Cannot be Separated without Putting those who present them to insuperable Difficulties. Therefore

Resolved that the said Commissary General, & Quartermaster General, keep their offices Contiguous while transacting said business, & that they conduct the Settlement of those mixt accounts, in such a manner as shall be attended with the least Difficulty to the Persons who present them, & Also Preserve Each His account Seperate & Clear, with proper Vouchers, for their settlement.

April 30, 1787.

Chapter 13.

RESOLVE CONFIRMING THE DOINGS OF THE COMMISSIONED OFFICERS OF THE MILITIA, WHO HAVE TAKEN, BUT NOT SUBSCRIBED THE DECLARATION AND OATHS, PROVIDED SAID OFFICERS SUBSCRIBE THE DECLARATION AND OATHS BY THE FIRST OF JUNE NEXT.

Chap. 13

Whereas some of the commissioned Officers of the Militia of this Commonwealth, have entered on the business

of their Offices, having taken, but not subscrib'd the Declaration and oaths prescribed by the Constitution. And whereas doubts have arisen respecting the validity of the doings of those Officers in their military capacity. Therefore

Resolved, That the doings of those Officers in their said capacity, as far forth as they have been conformable to the duties of their several offices, be, and they hereby are established as legal and valid, the formal deficiency aforesaid notwithstanding: provided those officers shall subscribe the Declaration and oaths prescribed by the constitution, on or before the first Day of *June*, next ensuing.

April 30, 1787.

Chapter 14.

Chap. 14 REPORT OF COMMISSIONERS APPOINTED TO PROMISE PARDON TO CERTAIN OFFENDERS.

Commonwealth of *Massachusetts*.

The Commissioners appointed to execute a Resolve of the General Court, of the 9th of *March* last, proceeded without delay to the Counties of *Hampshire & Berkshire*, beginning their business in the latter. They dispersed printed copies of the Resolution of the Legislature, which expressed their power & duty; — caused the same to be printed in the public papers, which circulate in the western Counties, & gave public notice of the times when, & places where, they would attend on the business of their Commission. The people were also informed, that those who wished to avail themselves of the Clemency of Government, might find their advantage in stating briefly, the particular Instances of criminal Conduct with which they are severally chargeable — what offices they had sustained under the Government, if any — & the capacity in which they had acted in opposition to Government; — and that all applications must be accompanied with a Recommendation from two or more persons, of *known attachment to the Government*, certifying that they have good reason to believe that the person in whose favor the Recommendation is given, *is duly penitent for his crime, properly disposed to return to his allegiance to the State, & to discharge the duty of a faithful Citizen thereof.*

After applications for Indemnity were made, as much

time was taken for consideration & enquiry, as the nature & multiplicity of the business would allow, before answers were given ; and where the evidence in favor of the applicants, comported with the requirements of the Resolve aforesaid, the Commissioners proposed their subscribing a declaration in the form following, *viz.*

“ We the Subscribers, having been concerned in the present rebellion, hereby declare our sincere penitence therefor; that we are heartily disposed to return to our allegiance to the State; that we will defend the Government, & by a punctual compliance with its laws, discharge the duty of faithful Citizens; and in our several Stations, & according to our respective Influence, exert ourselves to induce others to exercise the same Conduct.”

Those who subscribed the foregoing declaration (which was done almost universally with great readiness, & in no instance refused, where it was offered) having previously taken & subscribed the oath of Allegiance to the Commonwealth, received from the Commissioners, a certificate in the form following,

" This may certify, that _____ who has been concerned in the present Rebellion, has declared his sincere penitence therefor; that he is heartily disposed to return to his allegiance to the State; that he will defend the Government, & by a punctual compliance with its laws, discharge the duty of a faithful Citizen: in consequence thereof, he has received from the Subscribers, by virtue of a Resolve of the General Court, passed on the 9th of March last, a promise of Indemnity for the crime abovementioned."

Seven hundred and ninety, whose names will be lodged in the Secretary's Office, have received a promise of Indemnity, & the chief of them without any Reservation whatever; a small number of the most aggravatedly guilty, of those who were intitled to Indemnity on any terms, have received it, upon the conditions, restrictions & disqualifications enumerated in an Act of the General Court of the 16th of *Feb^y* last, and some upon the condition of their keeping the peace, & being of the good behaviour. These terms were to continue for one, two or three years, according to the nature & aggravations of the offence. At the same time, notice was given *that an uniform tenor of good conduct*, would afford ground to hope

for Remission of those Restrictions & Disqualifications, at an earlier period than was specified in their Certificates, & that they might expect this would be done, as soon as it would consist with the safety, honour & happiness of the Commonwealth.

Some had offended in such a manner, that the Commissioners could not, without violating their duty, interpose in their favor, in any way whatever.

About thirty in each County, who had been more than commonly active & influential, were informed, that the same Confidence which had enabled them to lead numbers astray from their duty, gave them a superiour advantage for reclaiming their deluded Followers; and that it was particularly incumbent on them, very assiduously to improve that Confidence for this purpose; that an Opportunity would be given them therefor, and that, upon their duly improving it, they might expect to be further Sharers in the mercy of their injured Country.

The Commissioners, in the prosecution of their business, have directed their Inquiries to the occasion of the Insurrection and Rebellion which has taken place. The result of this enquiry has been a Conviction, that among a variety of causes which have been cooperating to produce so much evil, public & private debts, and the *latter especially, have been the most operative*; and that an undue use of Articles of foreign growth & manufacture, has been the principal cause of this accumulation of debts.

The People who made application to the Commissioners, very generally declared, that they had been deluded, with regard to the proceedings of the General Court, and the situation of things in the different parts of the Commonwealth.

Altho it is painful to make the declaration, that duty which we owe the Community, obliges us to say, that from the representations which have been made, there is great reason to believe, too many persons, who have been members of the General Court, instead of giving that Information of the reasons and principles upon which the Acts and Resolves of the Legislature have been founded, which might have satisfied the rational enquirer, and have silenced the unreasonable complainer, have, by their conversation & conduct, irritated & inflamed the restless & uneasy, & alarmed the peaceable uninformed Citizen.

Those to whom the promise of Indemnity has been

made, very generally appear to be grateful for the lenity of Government, and from the disposition they discovered, many of them would, we doubt not, on a future call to it, be among the foremost, to lend their aid to defend the Commonwealth.

We were informed, that in divers places, the people were giving *the best evidence of their friendship to the Government*, by making unusual exertions to discharge their Taxes, — that in one part of the County of Berkshire, a determination was formed to collect by Tax, their proportion of the Continental domestic Debt, that they may easily discharge their part of it; and from what appeared of the disposition of the people with whom we had business to transact, there is a flattering prospect, if an uniform system of Government should be pursued, if so many examples, & so many only, should be made, as will be necessary to produce a Conviction, that Government must and will be supported; & if the mercy of Government should be extended to the qualified subjects of it, — that, in those Counties, which have been lately torn by dissention, Government will be more firmly established, than it has been at any period since the Revolution.

B. LINCOLN,
SAM^l. PHILLIPS, junr. } Commis-
SAM A. OTIS, } sioners.

BOSTON, *April 27, 1787.*

IN the HOUSE of REPRESENTATIVES, *April 30, 1787.*

Read and accepted, and

Ordered, that the Secretary cause the foregoing report to be printed in the *Independent Chronicle*.

Sent up for concurrence.

IN SENATE, *April 30, 1787.*

Read and concurred.

Chapter 15.

RESOLVE ON THE PETITION OF THE HON. JOHN HANCOCK, ESQ; *Chap. 15*
ALLOWING HIM PAY FROM THE PROCEEDS OF THE ESTATE OF
WILLIAM BOWES, AN ABSENTEE.

On the petition of the Hon. *John Hancock, esq^r* ;

Resolved that there be allowed and paid out of the Public Treasury of this Commonwealth, to the Hon. *John*

Hancock, esq^r; from the proceeds of the estate of *William Bowes*, late of *Boston*, an Absentee the sum of *Three hundred Pounds, and one penny*; that sum being the remainder of the sum of *Three hundred and fifty pounds thirteen shillings and four pence*, (for which, the said Hon^{ble}. *John Hancock*, esq^r; recovered judgment in damage against the said *William Bowes*, at the Supreme Judicial Court, holden at *Boston*, on the last tuesday of *August*, A. D. 1786) after deducting therefrom the sum of *Thirty six pounds, thirteen shillings and three pence*, which has been already paid and endorsed on the execution that issued on the judgment aforesaid. *Provided nevertheless*, if it shall appear, that the lawful demands against the estate of the said *William Bowes*, amount to more than the proceeds of the said estate, that have been paid into the Public Treasury of this Commonwealth; that then, and in that case, the said Honorable *John Hancock*, esq^r; shall be entitled to receive no more by virtue of the foregoing Resolve, than his proportion or rateable part of the aforesaid sum of *Three hundred pounds, and one penny*.
May 1, 1787.

Chapter 16.

Chap. 16 RESOLVE ON THE PETITION OF ANTHONY PAINE, PERMITTING CERTAIN PROHIBITED ARTICLES, IMPORTED IN THE BRIG *NANCY* FROM *LONDON*, TO BE LANDED, THE OWNERS PAYING THE DUTIES, &c.

Whereas it hath been represented to this Court, That several Articles among those, which by an Act of the General Court, of the seventeenth of *November*, 1786, were prohibited from being landed after the first of *March* then following, were shipped in *London*, in the former part of *January* last, on Board of the Brigantine *Nancy*, Capt. *Cushing*; that by a long and tedious Passage, the Said Vessel did not arrive until some time after the said Act began to operate; And there being Reason to apprehend, that the Shippers of the said Articles, were not apprized of the Act above-referred to, previous to their shipping the same, and that no Fraud was intended:

Therefore *Resolved*, That the said prohibited Articles imported in the Brigantine *Nancy*, Capt. *Cushing*, be, and they are hereby permitted to be landed, the owners or Consignees thereof paying the Duties, and observing

the Rules and Regulations, they would have been subject to, had the same arrived before the first of *March* last, any Act or Resolve to the Contrary notwithstanding.

May 1, 1787.

Chapter 17.

RESOLVE GRANTING THE COMMISSARY GENERAL, *TWO THOUSAND POUNDS*, AND THE QUARTER MASTER GENERAL, *SIX THOUSAND POUNDS*. Chap. 17

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth, To *Richard Devens*, Esqr; Commissary General, The Sum of *Two Thousand pound*, out of the Specie part of The Tax granted in *March* 1786, to Enable him to pay the Expence in his department, for Suppressing the rebellion in this Commonwealth; he to be Accountable for the Same.

And it is further *Resolved* that There be allowed & paid out of the Treasury affores^d, to *Amasa Davis*, Esqr; Quarter Master General, out of the Tax affores^d, The Sum of *Six Thousand pounds*, to Enable him to pay the Expence incurred in the same service in his department, he to be Accountable for the same.

May 1, 1787.

Chapter 18.

RESOLVE ON THE PETITION OF *EBENEZER CRAFTS*, MAKING PROVISION FOR THE PAY OF PERSONS EMPLOYED AS CAVALRY, FOR THEIR HORSES. Chap. 18

On the petition of *Ebenezer Crafts*, praying that adequate recompence may be made to such persons as have been employed as Cavalry in suppressing the present rebellion, for the use of their Horses; and whereas no provision has been heretofore made for that purpose :

Therefore *Resolved* That there be allowed & paid out of the Treasury of this Commonwealth, to each and every person, whether officer, noncommissioned officer or Private soldier, who shall have been actually employed as Cavalry, in the service of this Commonwealth, for suppressing the present rebellion, the sum of *two shillings* per day, as a full compensation for the use of the horses which have been actually employed as aforesaid; to be paid in the same manner, as is already provided for the pay of the Militia, who have been employed in suppressing the present rebellion.

May 1, 1787.

Chapter 19.

- Chap. 19* RESOLVE ON THE PETITION OF *JAMES SULLIVAN*, IN BEHALF OF *ISAAC FOX*, REVERSING THE JUDGMENT MENTIONED, AND GRANTING A NEW TRIAL AT THE COURT OF COMMON PLEAS, IN THE COUNTY OF *MIDDLESEX*.

On the petition of *James Sullivan*, esq^r in behalf of *Isaac Fox*, of *Dracut*, in the County of *Middlesex*, yeoman, praying that the judgment obtained against him the said *Fox*, at the Court of Common Pleas, held at *Concord*, in and for the County of *Middlesex*, on the second tuesday of *March*, 1786, for *One hundred and seventy two Pounds, fourteen shillings and six pence*, in an action of debt brot' against him by one *Jonathan Simpson*, of *Bristol*, in the Kingdom of *Great Britain*, esq^r may be set aside, and a new trial ordered thereon; for reasons set forth in said petition.

Resolved that the above described judgment be, and hereby is reversed and declared null and void, and that a new trial shall be had on the above described case, at the Court of Common Pleas, to be holden at *Groton*, in and for the County of *Middlesex*, on the third tuesday in *May* current; and the Justices of the same Court, are hereby empowered and directed, to hear and determine the same, in all respects, as they should or ought to do, if the same case was regularly depending by continuance in the said Court, and that execution on the aforementioned judgment be stayed; and that the said *Isaac Fox*, serve the said *Jonathan Simpson*, or his attorney, with an attested copy of this resolve, seven days at least, before the sitting of the said Court at *Groton*.

May 1, 1787.

Chapter 20.

- Chap. 20* RESOLVE DIRECTING THE COMMISSARY GENERAL TO REPAIR THE STATE-HOUSE.

Resolved, That *Richard Devens*, Esquire Commissary General, be, and he is hereby directed, to repair the Iron balluster, and Steps, at the East End of the Court-House, and lay his Account therefor before the General Court, for adjustment and payment.

May 1, 1787.

Chapter 21.

RESOLVE GRANTING *THREE HUNDRED AND SEVENTY-FIVE POUNDS*, TO THE EXECUTORS OF THE LATE TREASURER *IVERS*, FOR HIS SERVICES TO *JUNE*, 1786. Chap. 21

Whereas it appears to this Court, that there has been no Grant made to the late Treasurer, *Thomas Ivers*, Esqr; for his services from the first of *June*, 1785, to the first of *June*, 1786:

Resolved, that there be allowed and paid out of the public Treasury, to *Mary Ivers*, and *Sam^l Parker*, Executors to the last Will and Testament of the said *Thomas Ivers*, Esqr; the sum of *Three hundred and seventy five pounds*, in full for his services, as Treasurer and Receiver General, from the first day of *June*, 1785, to the first day of *June*, 1786, aforesaid. *May 1, 1787.*

Chapter 22.

RESOLVE ON THE PETITION OF *AARON BROWN*, GRANTING *ONE HUNDRED POUNDS*, ARISING FROM FINES PAID BY PERSONS CONVICTED IN THE LATE REBELLION, TO ENABLE HIM TO REBUILD HIS POT ASH WORKS, IN CASE. Chap. 22

Whereas *Aaron Brown*, of *Groton*, has represented to this Court, that his pot and pearl ash works were destroyed by fire, and also exhibited evidence which affords good reason to believe, that the same were destroyed by some unknown and wicked Incendiary, in consequence of his great Exertions in the support of good Government.

And whereas it is incumbent on the Legislature of this Commonwealth, to encourage the manufacture of Pot and Pearl ash, as well as to provide as far as consistently may be, that no person shall suffer injury in consequence of his exertions to support and defend the Government:

Resolved that there be paid out of the Treasury of this Commonwealth, to *Aaron Brown*, from the money arising from the fines, which are or shall be paid by persons who have been or shall be convicted of being concerned in the late rebellion, the sum of *One hundred pounds*, to enable him to Rebuild his Pott and Pearl ash works. *Provided notwithstanding*, if the said *Brown*, shall hereafter discover the perpetrators of the aforesaid wicked Act, and shall recover the Damage he has sustained, he shall in

that case repay the said Sum of *One hundred pounds*, into the Treasury, taking duplicate Receipts, one of which he shall lodge in the Secretary's office. *May 1, 1787.*

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF GENERAL *SHEPARD*, ALLOWING PAY TO *BENJAMIN TUPPER* AND *SAMUEL BARNARD, JUN. ESQ'RS.*

On the petition of Majr General *William Shepard*, praying that *Benjamin Tupper & Samuel Barnard, junr.* Esquires who served under him as Assistant Aids, in *Jan^y & Feb^y* last, may be allowed the same Wages as Commissioned Aids are entitled to :

Resolved for Reasons set forth in said Petition, that the prayer thereof be granted, and that the said *Benjamin Tupper* and *Samuel Barnard, junr. Esq'rs.* be, and they are hereby intituled to receive the same wages, for the time they were actually in the service of this Commonwealth, with Majr General *Shepard*, as set forth in the Petition aforesaid, which commissioned Aids du Camp are by Law entitled to, any Law or Custom to the contrary notwithstanding. *May 1, 1787.*

Chapter 24.

Chap. 24 RESOLVE ON THE PETITION OF *NICHOLAS PIKE*, EXEMPTING FROM EXCISE DUTIES HIS SYSTEM OF ARITHMETICK.

On the Petition of *Nicholas Pike, Esqr*; praying that he may be exempted from excise Duties, in the Publications of his System of Arithmetic, which he has prepared for the use of the Public :

Resolved, That as the said System may essentially serve the present and future Generations, that the Prayer of the Petitioner be granted, and that he be, and hereby is exempted from all excise Duties in the necessary publications relative to y^e said Treatise, and that the Collectors of Excise be, and are hereby directed to govern themselves accordingly. *May 1, 1787.*

Chapter 25.

Chap. 25 RESOLVE ESTABLISHING THE PAY OF THE QUARTER MASTER GENERAL AND DEPUTY COMMISSARY GENERAL'S DEPARTMENT.

Resolved, That the following be the establishment for

the pay of the Quarter Master General's department, and for the Deputy Commissary General, &c. *Viz.*

Quarter Master General, . . .	£. 24	p ^r month,
Deputy Quarter Master, . . .	12	p ^r d ^o
Clerk, ...	4 10	p ^r d ^o
Deputy Commissary Gen ^l . . .	15	p ^r d ^o
Assistant Deputy Commissary } or issuing Commissary, each, }	8	p ^r d ^o
Clerk, ...	4 10	p ^r d ^o

Any resolve to the contrary notwithstanding, to be paid in the same manner, as is already provided for paying the militia who have been employed in suppressing the present rebellion.

May 1, 1787.

Chapter 26.

RESOLVE FOR PAYING DR. WILLIAM EUSTIS AND OTHERS, SURGEONS, &c. UNDER GENERAL LINCOLN. *Chap. 26*

Resolved that there be allowed and paid out of the treasury of this Commonwealth, to Doctor *William Eustis*, and *Aaron Dexter*, for their services as chief physicians and Surgeons of the army, under the command of Major General *Lincoln*, the sum of *Fifteen pounds*, p^r month, each, and to *David Hull* and *George Bartlett*, as Surgeons mates in the same department, the sum of *Seven pounds ten shillings*, p^r month, each, for their respective services as aforesaid, agreeably to a roll by them exhibited, to be paid in the same manner as is already provided for, by a resolve for the payment of the Militia, employed for suppressing the present rebellion.

May 1, 1787.

Chapter 27.

RESOLVE FOR LIQUIDATING AND SETTLING THE ACCOUNTS EXHIBITED BY PERSONS WHO HAVE PERFORMED SERVICES OR FURNISHED SUPPLIES, QUARTERS, &c. FOR THE ARMY EMPLOYED BY GOVERNMENT IN THE PRESENT REBELLION, ESTABLISHING THE RATES. *Chap. 27*

Resolved, That in liquidating and settling the accounts which may be exhibited against this Commonwealth, by persons who have performed services, or furnished supplies, quarters, &c. for the army employed by the govern-

ment, in the present rebellion, the following rates of charge be observed, *Viz.*

Quarters and fuel 24 hours, 3d p^r man.

Quarters only, 24 hours, 1d p^r man.

Wood, 7/ p^r cord.

Horse keeping, at hay, 10d p^r night.

Indian corn, 2/ 10 p^r bushel.

Rye, 3/ p^r bushel.

Oats, 1/9 p^r bushel.

One man, two horses and sleigh, 6/ p^r day, if the public furnished them with rations and forage; otherwise 11/ p^r day.

One man, two oxen and sled, 4/6 p^r day, if found with rations &c; otherwise, 8/ p^r day.

One man, two oxen, one horse and sled, 6/ p^r day, if found as aforesaid; otherwise 11/ p^r day.

One man, four oxen and sled, 6/ p^r day, if found as aforesaid; otherwise 11/ p^r day.

One man, two oxen, two horses and sled, 7/ p^r day, if found as aforesaid; otherwise 12/ p^r day.

Provided, the drivers were not soldiers, nor made up in the muster-roll of any company as such; in which case, *one shilling and four pence* p^r day, is to be deducted from the above rates; *Provided also*, the above rates shall not operate, in cases where special contracts have been made with towns or individuals, by the proper officers for that purpose.

Resolved, That the selectmen of the several towns who have been employed in supplying the army with provisions, &c. agreeably to the militia law, upon their exhibiting proper accounts thereof, be allowed and paid out of the treasury of this Commonwealth, *four shillings* p^r day, for the time they were actually employed in that business. All the above mentioned services, supplies, &c. to be paid in the same manner as is already provided for the payment of the militia employed in suppressing the present rebellion.

May 1, 1787.

Chapter 28.

Chap. 28

RESOLVE FOR PAYING THE GOVERNOUR'S SALARY.

Whereas it appears, that the Sum of *Twelve hundred and Ninety one pounds*, is Due to his Excellency the Governour, for His Salary to *May 25, Instant*:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to Pay the Sum of *Twelve hundred ninety one Pounds*, Due to His Excellency Governour *Bowdoin*, for his Salary up to *May 25* Instant, from the Specie part of Tax No. 5, Or that part of the Revenue arising from Excise and Impost, that was left for the future appropriation of Government, and which is not already specially appropriated. *May 2, 1787.*

Chapter 29.

RESOLVE ON THE PETITION OF *THOMAS STEPHENS* AND *WILLIAM BARTLETT.* *Chap. 29*

On the petition of *Thomas Stephens* and *William Bartlett*, praying they may be discharged from a bond, which now lies against them, in favour of this Commonwealth, given in consequence of a seizure of their Brigantine *Harmony* and Cargo.

Resolved, That the said *Thomas Stephens* and *William Bartlett*, be, and they are hereby discharged from their said bond, so far as any forfeiture may have accrued to this Commonwealth, and that the Collector of Excise and Impost for the County of *Suffolk*, be, and he is hereby directed, to cancel and deliver to the said *Stephens* and *Bartlett*, their said bond, upon their satisfying the said Officer, for his share of the forfeiture, and paying charges incurred. *May 2, 1787.*

Chapter 30.

RESOLVE AUTHORIZING THE HONOURABLE COUNCIL TO PASS *CAPT. BUFFINGTON'S* ROLL, IT NOT BEING SWORN TO, NOTWITHSTANDING. *Chap. 30*

Resolved that the Honourable Council be, and they are hereby authorized & empowered, to examine & pass upon the Pay Roll of Captn. *Samuel Buffington's* Volunteer Company of Cavalry, in like way and Manner, as if the same had been sworn to agreeably to the Requisition of Law. *May 2, 1787.*

Chapter 31.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND COURT OF COMMON PLEAS IN THE COUNTY OF *MIDDLESEX*, TO THE FOURTH TUESDAY IN MAY INST. *Chap. 31*

Whereas by reason of the sitting of the supreme judicial court, at *Concord*, on the second tuesday of *May* instant,

the sitting of the court of general sessions of the peace, and court of common pleas, at *Groton*, on the tuesday following, may be attended with inconveniencies.

Resolved, That the said Court of general sessions of the peace, and court of Common pleas, by law to be holden at *Groton*, within and for the county of *Middlesex*, on the third tuesday of *May* inst^l shall be holden at *Groton* aforesaid, on the fourth tuesday of the same month; and that all writs, processes and recognizances, returnable to, and all appeals made to the said court of general sessions of the peace, and court of common pleas, appointed by law to be holden at *Groton*; and all matters, causes and things, that have day or that might have had day, been moved or done at, in, or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in, and by the said courts, at the time herein appointed for holding the same. And the secretary is hereby directed, to publish this resolve, in the two next *Adams and Nourse's, Hall's*, and *Charlestown* papers. May 2, 1787.

Chapter 32.

Chap. 32 RESOLVE ON THE PETITION OF PAUL WHITNEY, EMPOWERING TWO JUSTICES OF THE QUORUM, IN THE COUNTY OF HAMPSHIRE, TO GRANT HIM A LICENCE.

On the Petition of *Paul Whitney*, praying that he may be licenced, as an Innholder.

Resolved that the Prayer of the Petition, be so far granted, that two Justices of the Peace, within and for the County of *Hampshire*, *quorum Unus*, be empowered, and they are hereby authorized and empowered, to grant him Licence, he complying with the Requisitions by Law, in that case made and provided. May 2, 1787.

Chapter 33.

Chap. 33 RESOLVE ON THE PETITION OF SAMPSON WETHERELL, JUN. GRANTING HIM SIX POUNDS, FOUR SHILLINGS.

On the petition of *Sampson Wetherell*, Jun^r praying that he may be paid for an Horse he lost in the Service of the Commonwealth, and for the use of another Horse and a sley, as set forth in said petition.

Resolved, That said *Wetherell* be paid out of the Treasury of this Commonwealth, the Sum of *Six pounds four shillings*, in full compensation for the Horse lost ; and for the use of the Horse and sley aforesaid. *May 2, 1787.*

Chapter 34.

RESOLVE ALLOWING TO THE HON BENJAMIN LINCOLN, THOMAS RICE, AND RUFUS PUTNAM, ESQ'RS. THE SUM OF TWELVE SHILLINGS PER DAY, OUT OF THE SPECIE TAX, AS COMMISSIONERS FOR TREATING WITH THE PENOBSCOT INDIANS. *Chap. 34*

Resolved that there be allowed and paid out of the treasury of this Commonwealth, from the specie part of the tax granted in *March, 1786*, to the honorable *Benjamin Lincoln, Thomas Rice* and *Rufus Putnam*, Esq'rs. the sum of *twelve shillings* a day, each, for each day they were employed as Commissioners for treating with the *Penobscot* tribe of Indians.

And the Governor, with advice of Council, is requested to issue his warrant on the Treasurer, for payment of their accounts, exhibited agreeable to this Resolve.

May 2, 1787.

Chapter 35.

RESOLVE ON THE PETITION OF PHŒNIX FRAZIER, GIVING HIM LEAVE TO ENTER ANEW, AT THE COURT OF COMMON PLEAS TO BE HOLDEN AT BARNSTABLE, ON THE FIRST TUESDAY OF NOVEMBER NEXT, THE ACTION MENTIONED. *Chap. 35*

On the Petition of *Phœnix Frazier*, praying for leave to enter Anew, in the Court of Common Pleas to be holden at *Barnstable*, on the first Tuesday of *Novem^r* next, an Action Commenced Against him by *Mary Lyndes*, of *Yarmouth*, Administratrix to *Laban Lyndes*, Deceased, upon which Action Judgment was Rendered Against him on Default, at the Court of Common Pleas holden at *Barnstable*, on the first Tuesday of *April* last :

Resolved that the prayer of Said Petition be granted, and that the Said *Phœnix Frazier*, have leave to enter Anew, at the Court of Common Pleas to be holden at *Barnstable*, on the first Tuesday of *November* next, the Action Aforesaid ; and that he may then and there have advantage of all such evidence and proceedings, as tho' no Default had been made nor Judgment Rendered in

Said Action ; And that execution thereon shall be stayed ; he the Said *Phoenix Frazier* serving the Said *Mary Lyndes* or her Attorney in the aforesaid Action, with an attested copy of this Resolve, at least fourteen days before the Sitting of the Aforesaid Court, to be holden at *Barnstable* aforesaid on the first Tuesday of *Novemr* next.

May 2, 1787.

Chapter 36.*

Chap. 36 ORDER, APPOINTING A COMMITTEE TO WAIT UPON HIS EXCELLENCY THE GOVERNOR, WITH AN ANSWER TO HIS EXCELLENCY'S SPEECH AT THE OPENING OF THE SESSION.

In SENATE, 1st *May*, 1787.

Ordered, That *Samuel Adams* and *Cotton Tufts*, esq^r, with such as the hon^{ble} House may join, be a committee to wait upon his Excellency the Governor, with the following answer to his excellency's Speech, at the opening of the session.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

In the HOUSE of REPRESENTATIVES, *May* 2, 1787.

Read and concurred, and Mr. *Breck*, Mr. *Hunt*, and Mr. *Kilham*, are joined.

ARTEMAS WARD, Speaker.

To his EXCELLENCY JAMES BOWDOIN, Esq ;
Governor of the Commonwealth of *Massachusetts*.

May it please your Excellency,

The General Court have attended to your Excellency's Speech at the opening of the present session, and beg leave to assure you, that your calling the General Court together, at a period as early as possible, after the decease of *Thomas Ivers*, Esqr ; the late Treasurer, has met their entire approbation, and chearfully do we join in the tribute, which your Excellency has so justly paid to the memory of the deceased.

Your Excellency has lead us to take a retrospect of the late measures of Government, respecting the rebellion ; and while it is with regret that we contemplate the

* Taken from court record.

necessity of those measures, and the expence to our constituents thereby incurred, we are happy to find that the success of them has so far corresponded with the purposes for which they were intended. With pleasure we accept your Excellency's congratulations on the success; and cannot but flatter ourselves, that by a continuation of those measures, the wished for blessings of peace, order and tranquility, will be fully restored to those counties, in which alarming commotions had arisen and prevailed.

Our recommendations of the measures which have been adopted, and co-operation with your Excellency in carrying them into effect, have proceeded from a clear conviction of their necessity and importance.

The confidence we have placed in your Excellency, the approbation we have heretofore expressed of the part you have acted, of the wisdom and firmness which have been so fully manifested in the execution of the measures of Government on this great occasion, as well as of your administration in general, have been no other, than the dictate of real sentiment.

The manner in which your Excellency has thus far passed through the several grades of political life, and during a period the most interesting to *America*, must naturally, upon review, afford satisfaction. We are pleased to find your Excellency possessing this satisfaction, and we doubt not, it will remain to you a source of real enjoyment.

Having been long versant in public affairs, and having had so large a share in the honours of your country, how much soever your Excellency may have a wish for retirement, considering the critical situation our affairs are still in, with the hopes which might be entertained, from a person of your Excellency's experience, abilities and peculiar qualifications, joined with your exemplary life, your Excellency, we trust, will excuse us, if in such a wish, we cannot so readily concur.

Your wishes, so strongly expressed for our welfare and happiness, we gratefully accept; may your Excellency with health and tranquility receive and enjoy those marks of esteem and benevolent affection from a grateful people, which are the proper reward of distinguished merit.

With real ardour we readily join with your Excellency in the further wish, "that the people of this Commonwealth may have just ideas of liberty; and not lose it in

licentiousness, and its natural consequent, despotism : that they may revere the Constitution of their own framing, and govern their conduct by the principles of it."

Persuaded we are, that under the direction and influence of those principles, " the Commonwealth will rise superior to its present embarrassments ; and evince to the world, that a republican Government, founded, like ours, on the principles of equal liberty, may not only long subsist, but effectually answer the salutary purposes for which Government was designed." May 2, 1787.

Chapter 37.

Chap. 37 RESOLVE ALLOWING THE COMMITTEE ON ACCOUNTS EXTRA PAY.

Resolved, that there be allowed and paid out of the Publick Treasury of this Commonwealth, to the Honourable *Joseph Hosmer, Ezra Sargeant* and *John Carnes, Esq's.* the sum of *thirteen shillings* and *six pence* each, amounting in the whole to the sum of *Two pounds* and *six pence*, in addition to their pay as members of the General Court ; which sum is in full for their Services, as a Committee to pass on Accounts the present session ; and that the aforesaid sum be added to the Pay Roll, and be paid in the same manner as the Members of the General Court are paid. May 2, 1787.

Chapter 38.

Chap. 38 RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT, AND GRANTS TO CLERKS, WITH DIRECTIONS TO THE TREASURER TO BORROW FIVE HUNDRED POUNDS.

Resolved that there be allowed and paid out of the publick Treasury, the Sum of *Eight shillings*, to Each member of the Honourable Council ; and the Sum of *Seven Shillings* and *Six pence*, to Each member of the Hon^{ble} Senate ; and the Sum of *Seven Shillings* to Each member of the House of Representatives, for Each day they have attended the Council or General Court the present Sessions ; also the further Sum of one day's pay, for every ten miles distance each member lives from the place of the Court's siting.

And it is further *Resolved* that there be Granted and paid out of the publick treasury of this Commonwealth, to

the Honb^{le} *Samuel Phillips*, Jun^r Esqr; president of the Senate, the Sum of *Six Shillings* per day, for each day's attendance the present Session of the General Court; to the Honb^{le} *Artemas Ward*, Esqr; Speaker of the House of Representatives, the Sum of *Six Shillings* per day, for each day's attendance on the General Court, over and above their Respective pay as members thereof.

Resolved, that there be allowed and paid Out of the Publick Treasury, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and to Mr. *Samuel Cooper*, Clerk of the Senate, the sum of *six pounds* each, in full for their attendance on the General Court the present Session.

Resolved, that the Treasurer be, and he hereby is directed and empowered, in case there is no money in the Treasury, to borrow a sum of money, not exceeding *Five hundred pounds*, to be applied for the purpose of paying the Honourable Council, Senate and House of Representatives, their travel and attendance at the present Session of the General Court; to be paid out of the first monies that may be brought into the Treasury, on the Specie part of the last State Tax, which is not already appropriated. and in case the Treasurer cannot borrow a sum sufficient to pay the sums which may be due for the Services afore-said, the Treasurer is hereby further directed, to draw orders on the Specie part of the last State Tax, for such deficiency.

May 2, 1787.

Chapter 39.

RESOLVE DISCHARGING ROBERT AND ALEXANDER BARR, OF TWO HUNDRED POUNDS, GRANTED NOVEMBER, 1786; AND ALSO GIVING THEM A GRATUITY; AND DIRECTING THE MACHINES TO BE LEFT WITH THE HON. HUGH ORR, ESQ; UNTIL FURTHER ORDER, AND NOTICE THEREOF TO BE GIVEN IN ADAMS AND NOURSE'S PAPER.

Chap. 39

Whereas by a resolve of the General Court, passed the 16th of *November*, 1786, the sum of *Two hundred Pounds* was directed to be paid out of the public treasury of this Commonwealth, to *Robert and Alexander Barr*, to enable them to compleat certain machines for carding, roping and spinning cotton, and sheep's wool. And whereas the said *Robert and Alexander Barr*, have exhibited to this Court an account of the expenditure of *One hundred and eighty*

nine pounds, and twelve shillings, of the sum aforesaid, which account appears to be just and reasonable. And whereas by the Resolve of the General Court, passed the 16th of November aforesaid, it is further resolved, “That a Gratuity, such as the General Court may hereafter agree upon, (when a full trial shall have been made of the utility and public Advantage of those Machines) shall be given to the said Robert and Alexander Barr, as a Reward of their Ingenuity, and as an Inducement to other ingenious Artists and Manufacturers to bring their Arts also into this Commonwealth:” Therefore

Resolved, that the said Robert and Alexander Barr, be, and they hereby are discharged from the whole of the said Sum of two hundred Pounds, granted as aforesaid; and also that six Tickets, in the Land Lottery established by an Act passed the 14th of November, A. D. 1786, be given by this Commonwealth to the said Robert and Alexander Barr, “as a Reward for their Ingenuity in forming those Machines, and for their publick spirit in making them known to this Commonwealth.” And the Managers of the said Lottery are hereby directed to deliver to the said Robert and Alexander Barr, six Lottery Tickets accordingly, taking duplicate Receipts for the same, one of which to be lodged in the Secretary’s Office.

And it is further Resolved, that the said Machines be left under the Care of the Hon^{ble} Hugh Orr, Esqr; until the further Order of the General Court; and that publick Notice be given, for three Weeks successively, in Adams and Nourse’s News Paper, that the said Machines may be seen and examined, at the House of the Hon^{ble} Hugh Orr, Esqr; in Bridgewater; and that the manner of working them will be there explained to those who may wish to be more particularly informed of their great Use and Advantage, in carrying on the woollen and cotton Manufactures. And the said Hon^{ble} Hugh Orr, Esqr; is hereby requested to explain to such Citizens as may apply for the same, the Principles on which the said Machines are constructed, and the Advantages arising from their Use, both by verbal Explanations, and by letting them see the Machines at work.

And it is further Resolved that the said Hon^{ble} Hugh Orr, Esqr; be, and he hereby is permitted and allowed, to make use of the said Machines, during the whole Time of his having the Care of them as aforesaid, as some Recompence

for his own Time and Trouble in shewing them, and explaining their Use to the Citizens of the Commonwealth at large.

May 2, 1787.

Chapter 40.

RESOLVE ON THE PETITION OF *FRANCIS BRIDGE*,—MR. *JAMES McELWAIN* TO BE SERVED WITH A COPY, &c. TO SHEW CAUSE. Chap. 40

On the petition of *Francis Bridge*, of *Winchendon*, setting forth, that an Action was commenced against him by *James McElwain*, of said *Winchendon*, for taking unlawful Interest; and that he never had any Knowledge of Said Action, until he was defaulted, and praying that the Said Judgment that was rendered against him by Said default, might be sett aside:

Resolved, that the prayer of the said petition be so far granted, that he have Liberty to serve the Said *McElwain* with a copy of his petition, and this Resolve, fourteen Days before the second Thursday of the next Session of the General Court, that he may appear on Said day, and shew Cause (if any he hath) why the prayer of Said petition should not be granted; and that Execution on the Said suit be stayed in the Mean time. May 2, 1787.

Chapter 41.

RESOLVE DIRECTING THE COLLECTORS TO PAY THE OUTSTANDING TAXES, AND AUTHORIZING THE SHERIFFS FROM WHOM ANY SUMS OF MONEY ARE DUE, TO PAY TO ANY OF THE OFFICERS OR SOLDIERS BELONGING TO THE TWO REGIMENTS STATIONED IN THE COUNTIES OF *WORCESTER*, *HAMPSHIRE* AND *BERKSHIRE*, IN CERTAIN ARTICLES, NOT EXCEEDING ONE MONTH'S PAY; AND DIRECTING THE TREASURER TO RECEIVE THE ORDERS OF SAID COLLECTORS, &c. ON OR BEFORE THE 20TH OF *JUNE* NEXT; AND DIRECTING HALF A MONTH'S PAY TO THE COMMISSIONED OFFICERS. Chap. 41

Resolved that the several Collectors of the outstanding taxes, and the several Sheriffs from whom any sum or sums of money are due to the Treasurer of this Commonwealth, on any of those taxes, be, and hereby are authorized and directed, to pay to any of the officers or soldiers belonging to either of the two regiments in the service of government, stationed in the Counties of *Worcester*, *Hampshire* and *Berkshire*, (who shall apply for the same) either in money or any articles of clothing, a sum not

exceeding the amount of one month's pay of each such officer or soldier, taking an order on the Treasurer for the amount of the same ; *Provided* such order is accompanied with a certificate from the Commanding officer of the regiment to which such officer or soldier belongs, that he has done duty in such regiment for the term of one month, for which he has received no pay.

And the Treasurer is authorized and directed, to receive of any of the Collectors or Sheriffs aforesaid, any such order, accompanied with a certificate as aforesaid, equal to specie, in discharge of such taxes ; *provided* they are exhibited on or before the 20th day of *June* next.

And it is further *Resolved*, that there be paid out of the treasury of this Commonwealth, from the *forty thousand pounds* appropriated to the purpose of defreying the expence of suppressing the late rebellion, One half month's pay to each commissioned officer in the aforesaid regiments.

May 2, 1787.

Chapter 42.

Chap. 42 RESOLVE ON THE PETITION OF *BARCLAY FANNING*, MAKING A RESOLVE OF THE 6TH OF *FEBRUARY* LAST, TO STAND IN FULL FORCE, UNTIL.

Whereas a Resolve, on the Petition of *Barclay Fanning*, of *Nantucket*, passed the General Court the 6th of *Feb^y* last, directing the said *Barclay Fanning* to Notify *Isaac Golding*, for him to shew cause, if any he has, why the said petitioner should not have a new hearing in a certain case wherein he had lost his Law ; And it not being in the Power of the said *Fanning*, as yet, to find the said *Isaac Golding*, to serve him with the said Resolve : Therefore,

Resolved, That the Resolve of the 6th of *Feb^y* aforesaid, stand in full force, until the third Wednesday of the next sitting of the General Court.

May 3, 1787.

Chapter 42A.*

Chap. 42A ORDER TO THE SECRETARY DIRECTING HIM TO PUBLISH SEVERAL RESOLVES OF THE GENERAL COURT PASSED THE PRESENT SESSION.

Ordered that the Secretary publish the Resolves passed at the present Session of the General Court for extending

* Not printed in previous editions.

the time for receiving Indents in discharge of the last tax ; for empowering the Commissary & Quarter Master General to settle the accounts of their respective departments ; for establishing the prices of articles supplied the army ; & for confirming the doings of certain militia officers who had not subscribed the oath of allegiance ; in the Independent Chronicle and in the Worcester & Northampton News Papers as soon as may be.

May 2, 1787.

Chapter 43.

RESOLVE EMPOWERING THE TREASURER TO PAY THE COMMISSIONERS TO MEET IN CONVENTION AT PHILADELPHIA, THE SUMS ORDERED, OUT OF THE SPECIE PART OF THE TAX No. 5, OR IMPOST AND EXCISE. Chap. 43

On the Memorial of *Alexander Hodgdon*, Esqr ; Treasurer of this Commonwealth :

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and impowered, to pay to the Hon^{ble} *Elbridge Gerry*, *Francis Dana*, and *Caleb Strong*, Esq^{rs}. Commissioners, to meet in Convention at *Philadelphia*, the Several Sums ordered them, by a resolve of 7th *March* last, out of the Specie part of Tax No. 5, or that part of the Excise and Impost appropriated for the Use of Government, that is not *otherwise* appropriated.

May 3, 1787.

Chapter 44.

RESOLVE REMOVING DOUBTS THAT HAVE ARISEN RELATIVE TO THE DAY FROM WHICH THE PAY ROLLS OF THE ARMY ARE TO BE MADE UP. Chap. 44

Whereas doubts have arisen relative to the day from which the pay rolls of the army are to be made up : for the removing of which,

Resolved, That the Pay Rolls of the several Corps of the Army under the command of Major General *Lincoln*, be made up from the day they were in actual service respectively ; and that the Governor and Council be, and they are hereby empowered and requested, to decide ultimately on the time when such service commenced.

May 3, 1787.

Chapter 45.

Chap. 45

(ROLL No. 6.)

The Committee on Accounts, have examined and passed upon the several Accounts presented, and beg leave to Report, that y^e Sums set against y^e Names of y^e Towns and Persons, hereafter mentioned, if allowed, will be in full Discharge of said Accounts.

JOSEPH HOSMER per Order. }

Viz: To <i>William Baker</i> , for Services done for y ^e Commonwealth, as a Sheriff, in <i>Dec^r</i> , 1783, not being able to Support his Account till now, ...	£.4	6	0
To the Overseers of y ^e Town of <i>Andover</i> , for supplying <i>Martha Abrahams</i> , and <i>Patty Abrahams</i> , y ^e Poor of <i>Charlestown</i> , to <i>March</i> , 1787, and from <i>March</i> , 1786, ...	23	2	2
To Ditto, for Supplies for <i>Hannah Hill</i> , and <i>Betty Cary</i> , two of <i>Charlestown</i> Poor, and very Aged, from <i>March</i> , 1786, to <i>March</i> , 1787, ...	17	0	5
To Ditto, for Supplying <i>Margaret Plunket</i> , a State's Poor; a Negro <i>David</i> , another: <i>Sarah Stevens</i> , another, from <i>March</i> , 1786, to <i>March</i> , 1787, and another Person, to <i>June</i> ; All State's Poor, ...	13	8	8
To <i>Scipio Purnani's</i> Account for Boarding, Nursing, &c. <i>Henry Thompson</i> , a State's Poor, 13 weeks and five Days in 1786 and 1787, ...	8	10	0
To <i>John Gates</i> , for Boarding and Nursing <i>Mary Bird</i> , <i>Charlestown</i> Poor, to <i>Dec^r</i> 7th, 1786, 52 Weeks, ...	5	7	10
To <i>Loammi Baldwin</i> , Esqr: for Services done for y ^e Commonwealth, as a Sheriff, as per Account will appear, ...	14	3	4
To <i>Israel Keith</i> , Esqr: for his Services as Adjutant General, from <i>Dec^r</i> 25th, 1786, to y ^e 25th of <i>April</i> , 1787, and for Books and Paper, ...	80	7	0
To Doct ^r <i>Ebenezer Hunt</i> , for Medicine and Visits to particular Soldiers in <i>Feby</i> last, he personally attesting to this matter, ...	0	14	5
To the Selectmen of the Town of <i>Mendon</i> , for Supplies afforded to <i>John Hunt</i> , and Family, consisting of 5 Persons, State's Poor, to the 19th of <i>Feb^y</i> , 1787, being 59 Weeks, ...	4	4	6
To <i>Henry Franck Dupee</i> , for Visits and Medicines for y ^e afores ^d <i>John Hunt</i> , and Family; Account examined and approved by a Physician, ...	4	12	3
To <i>Samuel Scammell's</i> Bill for a Visit and Medicine for a child of <i>John Smith</i> , a State's Poor, examined and allowed by a Physician, ...	0	6	0
To <i>Peleg Hathway</i> , for Visits and Medicines for y ^e afores ^d <i>John Hunt's</i> Family, State's Poor, account examined and approved, ...	1	0	1
To Ditto, for Ditto, for y ^e afores ^d <i>John Smith's</i> Family, State's Poor which account was also examined and approved, ...	0	5	0

To <i>Sarah Hill</i> , for boarding <i>Samuel Austin</i> , one of y ^e Poor of <i>Charlestown</i> , in two Bills, from the first of <i>Oct.</i> , 1786, to y ^e first of <i>April</i> , 1787, ...	£.16	5	6
To <i>David Fay</i> , for necessary Charges when Sick in 1777, while a Soldier, and upon his return Home, now procuring proper Vouchers, ...	13	10	0
To Doct ^r <i>Jonathan Toy's</i> Bill from <i>Jan^y</i> , 1775, to <i>June</i> , 1781, for attendance and Medicines upon y ^e application of y ^e Guardian of y ^e <i>Natick</i> Indians, and for one of them, examined and approved, ...	2	16	1
To <i>Joseph Twitchell</i> , Guardian to said Indians, for Supporting <i>Eliz^a Tray</i> , to <i>March</i> 11, 1787, 52 Weeks, ...	15	0	0
To y ^e same Guardian, on acct of <i>Sarah Pero</i> , an Indian Child, to <i>May</i> , 1st 1787, 59½ weeks, ...	19	17	0
To y ^e same Person, on acct of <i>Dinah Spear</i> , 12 weeks; he to be accountable for her Estate. as before settled, ...	4	15	8
To the town of <i>Scituate</i> , for Boarding and Cloathing three of y ^e Children of <i>Hannah Johnson</i> , from y ^e 7th of <i>April</i> , 1785, to 7th of <i>April</i> , 1787, State's Poor, ...	39	1	7
To <i>Norton Brailsford</i> for cleaning and mending the Windows of the State House, to <i>March</i> 1st, 1787, ...	16	12	0
To the Estate of y ^e late Treasurer <i>Ivers</i> , for his supplies and Expenditures, from <i>March</i> , 1786, to <i>April</i> , 1787, including Firing for the Council Chamber, and each Office, ...	128	18	11
To <i>Timothy Shepard</i> , for Visits and Medicines, as per account given in to y ^e guardian of y ^e <i>Natick</i> Indians from <i>Sept.</i> , 1775, to <i>April</i> , 1776, examined and allowed, ...	4	10	0
To <i>Hannah Sanderson</i> , for Nursing <i>Job Shattuck</i> , a State Prisoner, two Weeks, and her Trouble great, ...	1	10	0
To the Overseers of the Poor of the Town of <i>Salem</i> , for Boarding and other Charges, on account of <i>Luke Barns</i> , one of the State's Poor, 64 Weeks; and Expences in Burying an Indian woman, murder'd in <i>May</i> 1786, ...	21	14	0
	£. 461	18	5

BOSTON, *May* 2^d 1787.

Read and accepted, and thereupon

Resolved, that his Excellency the Governor, with the advice of Council, be, and he hereby is requested, to issue his Warrant on the Treasury, for the payment of the persons borne on the aforesaid Roll, the sums set against their names respectively, amounting in the whole to the sum of *Four hundred and sixty one pounds, eighteen shillings and five pence.*

May 3, 1787.

ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS,
PASSED BY THE
GENERAL COURT, A.D. 1787.

BOSTON:
PRINTED BY ADAMS AND NOURSE,
Printers to the Honorable the GENERAL COURT.
M,DCC,LXXXVII.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.
1893.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS;
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1787.

1787. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR AUTHORIZING TWO OR MORE JUSTICES OF THE
SUPREME JUDICIAL COURT, TO HOLD SESSIONS OF THE SAID
COURT IN THE COUNTIES OF CUMBERLAND AND LINCOLN. Chap. 1

Whereas by the late frequent and lengthy sittings of the Supreme Judicial Court, lately holden in the Western Counties of this Commonwealth and by reason of the ill health of some of the Justices of the said Court, it may be necessary that two or more of the said Justices be authorized to make a quorum for transacting the business in the Supreme Judicial Court, next to be holden in the Counties of Cumberland and Lincoln : Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the Supreme Judicial Court, which by law is next to be holden at Portland, within & for the County of Cumberland, and at Pownalborough, within and for the County of Lincoln, may at the said terms be holden by any two or more of the Justices of the said Court ; and that two or more of the said Justices, are hereby authorized and empowered, to hear, try & determine all actions, causes, matters and things whatsoever, as fully to all intents and purposes, as any three or more of the said Justices might by law have done, had not this Act been made, any law, usage, or custom, to the contrary notwithstanding. Two or more Justices authorized, &c.

June 8, 1787.

1787.—Chapter 2.

[May Session, ch. 2]

Chap. 2 AN ACT TO DIVIDE THE TOWN OF GREENWICH, INTO TWO PARISHES; AND FOR INCLUDING THE NORTH-EAST CORNER OF THE TOWN OF BELCHERTOWN, IN THE SOUTH PARISH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, that part of the Town of Belchertown contained within the following boundaries, viz.

Boundaries of
the south parish.

Beginning at the northeast corner of *Belchertown*; thence running west upon the line between *Pelham* and *Belchertown*, to the west line of lot number forty seven; thence southerly to *Pemberton's* line, including four tier of lots; thence west to the west line of lot number seventeen; thence southerly on the said line to lot number thirty; thence south on the said line to lot number thirty six; thence west to the north west corner of lot number thirty six; thence south on the west line of the said lot, so as to include the whole of Lieutenant *Calvin Kingsley's* farm; thence easterly to *Greenwich* line, together with the whole of the south part of the said *Greenwich*, beginning at the aforesaid northeast corner of the town of *Belchertown*, running easterly upon the line between the towns of *Greenwich* and *Pelham*, to the south east corner of *Pelham*; thence so far south upon *Greenwich* old line, so called, as to leave the Meeting-House and Church yard in the north Parish; thence east to *Hardwick* line, be, and the same hereby is formed into a separate Parish, and shall be called and known by the name of the South Parish of the Town of *Greenwich*.

Inhabitants in-
vested with
powers.

And be it further enacted, That all the Inhabitants within the limits and boundaries aforesaid, shall be considered as belonging to the said Parish, and they are hereby invested with all powers, rights, privileges and immunities, which other Parishes in this Commonwealth are invested with.

Proviso.

Provided nevertheless, That any person living within the said south Parish, who has not petitioned for the aforesaid division, shall within one year from the first day of July next, return his or her name to the Secretary's Office, certifying his or her desire of belonging to the north Parish, may and shall be considered as belonging

to the north Parish, and his or her estate and person shall be liable to pay and perform parochial taxes and duties accordingly :

And be it further enacted by the authority aforesaid, that Caleb Clark, Esqr; be, and he hereby is impowered, to issue his Warrant to some principal Inhabitant of the said Parish, requiring him to notify and warn the Inhabitants thereof to meet at such time and place as by the said Warrant shall be duly specified, and then and there choose such Officers as may be necessary to manage the affairs of the said Parish; and the Inhabitants qualified by law to vote, being so assembled, shall be and hereby are empowered to choose such Officers accordingly.

Caleb Clark,
Esq; to call a
meeting.

June 21, 1787.

1787. — Chapter 3.

[May Session, ch. 3.]

AN ACT TO ESTABLISH NAVAL OFFICES AND NOTARIES PUBLIC
IN PLACES NOT ALREADY BY LAW ESTABLISHED.

Chap. 3

Whereas the convenience of navigation and advancement of commerce, render an additional number of Naval Officers and Notaries Public necessary :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be held and kept at Wiscasset, in the Town of Pownalborough, in the County of Lincoln, and in the Town of Rochester, in the County of Plimouth, respectively, a Naval Office, by such persons as shall from time to time be appointed, as is by Law provided for the choice of such Officers in this Commonwealth.

And be it further enacted by the authority aforesaid, That there shall be two Notaries public in addition to the number already provided, viz. one at Hallowell, and one at Waldoborough, in the said County of Lincoln, which Naval Officers and Notaries Public, shall be governed by all Laws, Resolves & Orders which are now in being, or which shall hereafter be made for the governing and regulating the said Offices, and shall have all the powers which other Naval Officers & Notaries Public within this Commonwealth are vested with.

June 22, 1787.

1787. — Chapter 4.

[May Session, ch. 4]

Chap. 4 AN ACT FOR REGULATING THE FEES IN THE NAVAL OFFICES WITHIN THIS COMMONWEALTH, AND REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

Fees estab-
lished.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be demanded and received in each Naval Office in this Commonwealth, the fees following, and no greater, that is to say.

For every Register, and recording the same, *two shillings*, exclusive of the Secretary's fees.

For endorsing every Register, and recording the same, *six pence*.

For entering every Ship and other Vessel from any port in this Commonwealth, *one shilling*.

For clearing every Ship and other Vessel for any port in this Commonwealth, *one shilling*.

For entering every Ship and other Vessel from any other of the United States of *America*, *two shillings*.

For clearing every Ship and other Vessel for any other of the United States of *America*, *two shillings*.

For entering every Ship and other Vessel from a foreign voyage, *five shillings*.

For clearing every Ship and other Vessel on a foreign voyage, *five shillings*.

For every Bond, *one shilling*.

For every Certificate to cancel a Bond, *six pence*.

For every Permit to unlade, *six pence*.

For every Cocket, *six pence*.

For every Bill of Health, *one shilling*.

For every Bond and Certificate, coastwise, and for every Vessel employed in the Fishery, to be paid annually, *one shilling*.

For every Pass by any Garrison or Guard (coasting and fishing Vessels excepted) *six pence*.

For receiving and entering the Report of every Vessel carrying Wood and Lumber, coastwise, and a Certificate thereof, *six pence*.

And be it further enacted by the authority aforesaid that so much of an Act, intituled, "An Act for regulating the fees and forms in the Naval Offices, within this Com-

Part of a former
act repealed.

monwealth," passed in the year of our Lord one thousand seven hundred & eighty four, as respects the fees of the said Offices, be, and hereby is repealed. *June 25, 1787.*

1787. — Chapter 5.

[May Session, ch. 5.]

AN ACT IN ADDITION TO AN ACT, MADE IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR, ENTITLED "AN ACT DIRECTING THE MODE OF TRANSFERRING REAL ESTATES BY DEED, AND FOR PREVENTING FRAUD THEREIN." Chap. 5

Whereas it is, in and by the said Act, among other things, enacted, "that all deeds shall be acknowledged before some Justice of the Peace, by the grantor or grantors," "Provided, that when any grantor or lessor as aforesaid, shall go beyond sea, or be removed out of this Government, or be dead, before the deed or conveyance by him executed, shall be acknowledged as aforesaid, in every such case the proof of such deed or conveyance, made by the oath of one or more witnesses, whose names may be thereunto subscribed, before the Court of record within this Commonwealth, shall be equivalent to the parties own acknowledgment thereof, before a Justice of the Peace as aforesaid," but no provision is therein made where the witnesses whose names may be thereunto subscribed are dead, as well as the grantor or grantors: Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that in all cases which have or may hereafter happen, where the grantor or grantors of any deed, shall be deceased before the deed or conveyance by him executed, shall be acknowledged, and the witnesses whose names may be subscribed thereto, are also deceased, that the proof of the hand writing of the grantor or grantors, and of the subscribing witnesses thereto, made by the oath of two witnesses before any Court of record within this Commonwealth, shall be equivalent to the parties own acknowledgment thereof before a Justice of the Peace, as is in and by the said Act mentioned.

In cases where the grantor, &c. of any deed, may be deceased before the same is acknowledged; proof of the hand writing shall be equivalent.

Provided, that it shall be made to appear to the satisfaction of the Justices of the Court before whom such proof shall be made, that the grantee or grantees mentioned in such deed or conveyance, have in the life time Proviso.

of the grantor or grantors, taken actual possession of the real estate conveyed by such deed; and that the said grantee or grantees, or some person or persons, claiming under him or them, have continued such actual possession quietly, to the time when such application shall be made to such Court for the purposes aforesaid.

June 28, 1787.

1787. — Chapter 6.

[May Session, ch. 6.]

Chap. 6 AN ACT FOR CONTINUING AN ACT, ENTITLED, "AN ACT FOR SUSPENDING THE LAWS FOR THE COLLECTION OF PRIVATE DEBTS UNDER CERTAIN LIMITATIONS."

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That the Act aforesaid, and every clause, article, matter and thing therein contained, shall be and hereby is continued, and shall operate, and be in full force, until the first day of January next, and no longer.

June 30, 1787.

1787. — Chapter 7.

[May Session, ch. 7.]

Chap. 7 AN ACT TO IMPOWER THE SECOND PARISH IN SCARBORO' IN THE COUNTY OF CUMBERLAND, TO EXCHANGE THE PARSONAGE LANDS BELONGING TO THE SAID SECOND PARISH, FOR TWENTY ACRES OF MARSH LYING WITHIN THE SAID TOWN.

Preamble.

Whereas the Second Parish in the town of Scarboro' did by a vote at their meeting on the twenty sixth day of March last, agree to exchange the parsonage land mentioned in the said vote, being twenty nine acres of land lying on the west side of the town road leading from broad turn road to the town of Gorham, with Richard Libby, for twenty acres of marsh lying near Scottoa Hill, in the said town, adjoining to James Foss's Marsh. And Whereas the said Second Parish, by their Committee, have requested the General Court, that an act may be passed to empower them accordingly:

Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same, That the said Second Parish, by such Committee as they have, or may appoint, be, & hereby are empowered

Second parish
empowered.

to execute a deed of twenty nine acres of parsonage land to the said *Richard Libby*, & to receive a deed from the said *Richard Libby*, in exchange therefor, of the aforesaid twenty acres of Marsh, in behalf of the said second parish, for the use of the Minister of the said Parish, & his successors forever.

July 2, 1787.

1787. — Chapter 8.

[May Session, ch. 8.]

AN ACT FOR NATURALIZING *JOHN GORE*, ESQUIRE.

Chap. 8

Whereas John Gore, Esquire; resident in Boston, in the Commonwealth of Massachusetts, has petitioned the General Court, that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth; and it appearing reasonable that the prayer of the petition should be granted:

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That the said John Gore, upon his taking the oath of allegiance and abjuration, required by the Constitution of this Commonwealth, before two Justices of the Peace Quorum unus, shall be deemed, adjudged & taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if the said John Gore, had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil Government.

And be it further enacted, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's Office; and the Secretary is hereby directed to record the same.

July 2, 1787.

1787. — Chapter 9.

[May Session, ch. 9.]

AN ACT FOR INCORPORATING THE WESTERLY PART OF THE TOWN OF *DARTMOUTH*, IN THE COUNTY OF *BRISTOL*, INTO A SEPERATE TOWN BY THE NAME OF *WESTPORT*.

Chap. 9

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same; That the lands hereafter described, to wit, be-

Boundaries.

ginning at the southeast corner of Job Almy's homestead farm by the sea shore; thence northerly, as the high way

is laid out from the said sea shore, up to *Freetown* line, (for particular boundaries of the said high way, reference to be had to the return thereof, as laid out by the Selectmen of the Town of the said *Dartmouth*, in the years one thousand seven hundred and seventeen, and one thousand seven hundred and eighteen, and recorded in the Town book of records;) thence westerly, as the line is between *Freetown* and *Dartmouth*, until it comes to the northwest corner bound of the said *Dartmouth*; thence southerly, as the dividing line is between *Dartmouth* and the State of *Rhode Island*, until it comes to the sea shore; thence easterly, including all the necks and islands of land heretofore known to be a part of *Accoakset* village, until it comes to the first mentioned bound, with the inhabitants dwelling in the lands above described, be, and they are hereby incorporated into a Town by the Name of *Westport*; and the said Town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth are or may be intitled, agreeable to the Constitution and Laws of the said Commonwealth.

Incorporated &
invested with
powers.

Proviso.

Provided nevertheless, and be it further enacted, that any of the inhabitants now dwelling on the above described lands, who have not signed in favor of a division, and who are or may be still desirous of belonging to the Town of *Dartmouth*, shall at any time within two years from the passing this Act, by returning their names into the Secretary's Office, & signifying their desire of belonging to the said *Dartmouth*, have that privilege; and shall with their polls & estates, belong to, and be a part of the said *Dartmouth*; they paying their proportion of all taxes, which shall have been laid on the said Village of *Accoakset* or Town of *Westport*, previously to their thus returning their names, as they would by law have been holden to pay, had they continued and been a part of the Town of *Westport*.

Inhabitants
shall pay all
arrears of taxes,
&c.

Be it further enacted by the authority aforesaid, That the inhabitants of the said Town of *Westport*, shall pay all the arrears of taxes, which have been assessed upon them, and their proportionable part of what remains unpaid of the Beef tax, so called, together with their proportion of all debts, that are now due from the said Town of *Dartmouth*, and shall support their own poor; and also any person or persons, who have heretofore been inhabitants of that part of *Dartmouth*, which is now *Westport*, and may hereafter be returned as paupers to the Town of *Dartmouth*, the

Selectmen, or Overseers of the poor, of the said Town of *Dartmouth*, for the time being, when any such pauper or paupers may be returned as aforesaid, who were originally inhabitants of that part of *Dartmouth*, which is now *Westport*, be, & hereby are empowered to convey him, her or them, to the Overseers of the poor, for the said Town of *Westport*, who are hereby directed to receive and support the same.

And be it further enacted by the authority aforesaid, that the public lands, and the buildings standing thereon; also the town's stock of powder, and other town property of all kinds, shall be estimated and divided in the same proportion that each Village paid in the last State tax, by a Committee to be appointed for that purpose, as soon as conveniently may be, by the Town of *Westport*, to join the Committees that are chosen for the same purpose, between *New Bedford* and *Dartmouth*; and the said Town of *Westport*, to receive a proportionable part according to the said State tax, of what sum is found due from *New Bedford* to *Dartmouth*.

Public lands, & town's stock of powder, &c. shall be estimated and divided.

And be it further enacted by the authority aforesaid, that the Road which is the dividing line between *Westport* and *Dartmouth*, shall be kept in repair, at the charge of each of the said Towns, in such proportions as each paid in the last State tax.

Road to be kept in repair at the charge of each town.

And be it enacted by the authority aforesaid, that *Benjamin Russell*, Esq; be, and he hereby is empowered to issue his Warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said Town of *Westport*, to assemble and meet at some suitable place in the said Town, as soon as conveniently may be, to choose all such Town Officers; as Towns are required to choose, at their annual Town meetings in the month of *March* or *April* annually.

Benj. Russell, Esq. to call a meeting.

July 2, 1787.

1787. — Chapter 10.

[May Session, ch. 10.]

AN ACT TO PREVENT THE DESTRUCTION, AND TO REGULATE THE CATCHING OF THE FISH CALLED ALEWIVES, IN THEIR PASSAGE UP THE RIVERS AND STREAMS IN THE TOWN OF HARWICH, IN THE COUNTY OF BARNSTABLE.

Chap. 10

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the

Town of Har-
wich directed to
choose three
persons annu-
ally, to see that
this act be duly
observed.

same, That the town of *Harwich*, shall be, and hereby are, empowered and directed, at their meeting for the choice of town officers in *March* or *April* annually, to choose three or more persons, being freeholders in the said town, to see that this act be duly observed; and each person so chosen shall be sworn faithfully to discharge the duties required of him by this act; and the said committee shall meet together annually, on or before the twentieth day of *April*, at such time and place as they, or a majority of them, shall appoint, and the major part of the Committee present at such meeting, are hereby authorized and empowered to order the times, places and manner in which the said fish may be taken; and the said Committee or the major part of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass to be kept open and without obstruction, to remove any such as may be found therein, and to make the said passage ways wider or deeper if they shall judge it necessary; and the said Committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority for those purposes to go on the land or meadow of any person through which such streams run, without being considered as trespassers; and any person who shall molest or hinder the said Committee or either of them in the execution of the business of his or their office, or shall obstruct any passage way in the said rivers or streams, otherwise than may be allowed by the said Committee, he or they shall forfeit & pay a fine for every such offence, not exceeding *forty shillings*, nor less than *twenty shillings*.

Their power,
&c.

Penalty for mo-
lesting them, in
the execution of
their office.

Empowered to
open any dam or
sluice, &c.

And be it further enacted by the authority aforesaid, that the said Committee, or the major part of them present at any meeting duly notified, being not less than three in number, shall be, and hereby are authorized and empowered, to open or cause to be opened any dam or sluice of any mill or other dam now erected, or that may be hereafter erected, on or over any of the said rivers or streams (between the place where such rivers or streams empty themselves into the sea at low water, and the ponds in which the said fish usually cast their spawns) at the expence of the owner or owners of such dam or sluice; *Provided* such owner or owners shall neglect to open the same when thereto required by the said Committee or the major part of them, immediately after being thus required

Proviso.

so to do; and the dam or sluice so opened shall continue open in every year, to such depth and width, and for such term of time between the fifteenth day of *April* and the tenth day of *June*, as the major part of the said Committee shall judge necessary; and if any person or persons shall obstruct the said passage ways allowed or ordered by the said Committee, or the major part of them, in any dam or sluice, such person so offending shall on conviction before any Justice of the Peace in the county of *Barnstable*, pay a fine for every such offence, not exceeding *forty shillings* nor less than *twenty shillings*, and the said Committee shall cause every such obstruction to be forthwith removed.

Penalty for obstructing passage ways.

And be it further enacted, that if any person or persons shall take any of the said fish in the rivers, streams or ponds aforesaid, before they shall have cast their spawns, at any time, in any place, or in any manner other than shall be allowed by the said Committee as aforesaid, each person so offending, for each and every such offence, shall on conviction as aforesaid, pay a fine not exceeding *twenty shillings* nor less than *five shillings*, if the quantity of fish so taken is less than one barrel; but if the quantity so taken shall be one barrel or more, such person or persons so offending, shall forfeit and pay for each & every barrel of fish so taken, the sum of *twenty shillings*.

Penalty for taking fish before they shall have cast their spawns, &c.

And be it further enacted, That if the Committee aforesaid, or either of them, shall detect any person or persons in attempting to take any of the said fish at any time, or in any place, or in any manner, otherwise than is allowed by the said Committee, or shall find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this act accordingly, unless such person or persons can make it appear on trial, that they came by the said fish in some other way.

Persons detected by the committee, in attempting to take fish. Penalty.

And be it further enacted, That the Committee to be chosen as aforesaid, or the major part of them, shall determine what days in the week the said fish shall be taken, and also on the certain parts of the said rivers and streams where the fish may be taken, to be particularly bounded or described; so that the said places may be easily known, and shall notify the inhabitants thereof, by posting up notifications in several public places, in the said town of

Committee to determine on what days fish may be taken, &c.

Harwich, within ten days after their being chosen as aforesaid.

Penalties, how recovered and applied.

And be it further enacted, that all the penalties incurred by any breach of this act, shall be recovered by complaint before a Justice of the Peace in the County of *Barnstable*, where the said penalty doth not exceed *forty shillings*, allowing an appeal to the Court of General Sessions of the Peace, in the County aforesaid; and where the penalty prosecuted for, shall exceed the sum of *forty shillings*, it may be sued for, and recovered, in any Court in the county of *Barnstable*, proper to try the same; and all sums recovered as forfeited by this act, shall be for the support of the poor in the town of *Harwich*, and no person, by reason of his being one of the said Committee, or an inhabitant of the said town, shall thereby be disqualified from being a witness in any prosecution for a breach of this act.

Passage ways to be kept open annually.

And be it further enacted, that it shall be the duty of the Committee aforesaid, to take care that a sufficient passage way be kept open annually, for the young alewives to pass from the ponds to the sea. *July 4, 1787.*

1787.—Chapter 11.

[May Session, ch. 11.]

Chap. 11 AN ACT FOR SETTING OFF JOHN DEXTER, AND OTHERS, THEREIN NAMED, WITH THEIR ESTATES, FROM THE NORTH PARISH IN MALDEN, AND ANNEXING THEM TO THE SOUTH PARISH IN THE SAID TOWN.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that John Dexter, Samuel Sprague, Wymond Bradbury, Bernard Green, Jonathan Howard, David Tufts, Phineas Sprague, Joseph Barret, junr. Phineas Sprague, junr. Jonas Green, Stephen Payne, Benjamin Buckman, Nathan Wait, Edward Wade, John Dexter, junr. Richard Dexter and Jabez Wait, with their families, polls and estates, lying in the Town of Malden, and belonging to the north parish, in the said town, be, and are hereby set off from the said North Parish, and annexed to the South Parish in the said Malden, there to enjoy parish privileges & to pay Parish charges that may arise within the same.

July 5, 1787.

1787. — Chapter 12.

[May Session, ch. 12.]

AN ACT FOR CHANGING THE NAME OF THOMAS GREAVES RUSSELL, TO THOMAS RUSSELL GREAVES. *Chap. 12*

Whereas Thomas Greaves Russell of Boston, in the County of Suffolk, Gentleman, being the lineal descendant of the Honorable Thomas Greaves late of Charlestown, Esqr; deceased, and being desirous from respect to his memory, to be called by his surname:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this Act, the said Thomas Greaves Russell, shall be allowed to take the Name of Thomas Russell Greaves, and by that Name, instead of his present Christian & Surname, to be called & known, and that to all legal purposes, the said Name of Thomas Russell Greaves, shall be considered as his own, proper and only Name, and avail accordingly.

July 6, 1787.

1787. — Chapter 13.

[May Session, ch. 13.]

AN ACT REPEALING AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, INTITLED, "AN ACT FOR RAISING BY LOTTERY, THE SUM OF THREE THOUSAND POUNDS, FOR THE PURPOSE OF BUILDING A GLASS HOUSE, AND PROMOTING THE MANUFACTURE OF CROWN AND OTHER GLASS, IN BOSTON," AND FOR THE PURPOSE OF PROMOTING THE MANUFACTURE OF CROWN AND OTHER GLASS, WITHIN THIS COMMONWEALTH. *Chap. 13*

Whereas it appears that the means adopted in and by the Act referred to, in the title hereof, did not answer the purposes intended; and that Robert Hewes, for whose use the lottery aforesaid, was granted, and to whom was given the exclusive right of manufacturing Glass within this Commonwealth, for the term of seven years, from the date of the said Act, has relinquished every privilege and advantage to which he was entitled in and by the said Act: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Act aforesaid, be repealed, and it hereby is repealed, and rendered null and void. Former act repealed.

Preamble.

And whereas it is of the highest importance that all useful manufactures, should be encouraged and promoted within this Commonwealth. And whereas the setting up a Glass House, and the undertaking the manufacture of Glass within this State, may be attended with great risque and expence. And whereas William Phillips, Edward Payne, Thomas Walley, Samuel Breck, John Gore, Thomas Dawes, junior, Esquires, Jonathan Amory, John Amory, John Andrews, Henry Higginson, Merchants, and the aforesaid Robert Hewes, all of Boston, in the County of Suffolk, have represented to this Court, that they have formed a Copartnership, and raised a fund, for the purpose of erecting a Glass House, and manufacturing all sorts of Glass, within this Commonwealth: provided they can be secured in the exclusive right of such manufacture for the term of fifteen years. And whereas it appears to this Court, that such manufacture would be greatly advantageous to this Commonwealth:

Exclusive right of manufacturing glass, for 15 years, granted to William Phillips and others.

Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That they the said William Phillips, Edward Payne, Thomas Walley, Samuel Breck, John Gore, Thomas Dawes, junior, Jonathan Amory, John Amory, John Andrews, Henry Higginson, and Robert Hewes, their heirs, executors, administrators and assigns, shall have and enjoy, at such place or places within this State, and in such manner as they, or the major part of them shall agree upon, the sole and exclusive right of manufacturing all sorts of Glass & Glass Ware, within this Commonwealth, for and during the full term of fifteen years from the date of this Act.

Stock employed exempted from taxes, for five years.

And be it further enacted by the authority aforesaid, That the stock employed in erecting buildings and establishing the manufactory, as aforesaid, and the buildings erected, and the stock employed in the said Manufactory, be, and they hereby are exempted from all taxes for the term of five years from the time the said proprietors shall establish their manufactory, and commence the manufacture of Glass as aforesaid.

And whereas it may be highly injurious to the manufacture aforesaid, if the artificers and workmen employed therein, shall be empellable at any time to neglect their work in the manufactory aforesaid:

Therefore be it further enacted by the authority aforesaid,

that all the artificers and workmen of every kind employed in the said manufactory, be, and they hereby are exempted from all military duty, during the time of their being employed in the said manufactory.

Artificers and workmen exempted from military duty.

And be it further enacted, that no person shall from and after the passing this Act, and during the said term of fifteen years, manufacture any kind of Glass or Glass Ware, without the consent or licence of the said *Phillips, Payne, Walley, Breck, Gore, Dawes, Amory, Andrews, Amory, Higginson*, and *Hewes*, their heirs, executors, administrators and assigns, or the major part of them, first had and obtained for that purpose; and every person so offending, shall forfeit and pay the sum of *five hundred pounds*, for each offence, to be recovered in an action of debt, in any Court proper to try the same, by the said *Phillips, Payne, Walley, Breck, Gore, Dawes, Amory, Andrews, Amory, Higginson*, and *Hewes*, their heirs and assigns, or by any one or more of them, to the use of them, their heirs, executors, administrators and assigns. *Provided*, and this Act is upon this condition, That the Proprietors of the said manufacture, shall employ in erecting of the said buildings, and in the manufacture aforesaid, a sum not less than *Three thousand pounds*, lawful money of this Commonwealth — and further, that they shall erect and establish their Works and manufactory, and commence the manufacture of Glass as aforesaid, at some place or places within this State, within the term of two years from the date of this act — And *provided nevertheless*, that nothing in this Act, shall extend to give the said Proprietors any exclusive right to the manufactory of Glass within this Commonwealth, as aforesaid, from and after three years, from the passing of this Act, no longer than the said Proprietors, their executors, administrators and assigns, shall annually after the expiration of the said three years, within this Commonwealth, manufacture for sale, Glass Ware, to the annual amount of *five hundred pounds*, at the least.

Penalty for manufacturing glass without the consent of said Phillips & others.

Proviso.

Further proviso.

And it is further enacted, that this Act shall be deemed and taken to be a public Act, and as such shall be officially considered, and taken notice of, by the several Courts of law, within this Commonwealth, without the same being specially pleaded.

This act shall be deemed & taken as a public act.

July 6, 1787.

1787. — Chapter 14.

[May Session, ch. 14.]

Chap. 14 AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ERECTING THE NORTHERLY PART OF THE TOWN OF SHUTESBURY, AND THAT PART OF A TRACT OF LAND CALLED ERVINGSHIRE, WHICH LIES ON THE SOUTH SIDE OF MILLERS RIVER, INTO A SEPERATE TOWN BY THE NAME OF WENDELL."

Preamble.

Whereas in and by the said Act for incorporating the said Town of Wendell, it is enacted, "that the inhabitants of the said Town of Wendell, shall pay their proportion of all State, County and Town charges, already granted to be raised in the Town of Shutesbury; and also their proportion of the pay of the Representative for the present year," but no provision is made in the said incorporating Act, to oblige the said Town of Wendell, to pay their proportion of the debts due from the said Town of Shutesbury, which were contracted previous to the passing the said Act of incorporation. And Whereas there is no provision in the said incorporating act, authorizing the said Town of Shutesbury, to assess and collect the sums which are due from the said Town of Shutesbury, which accrued as aforesaid:

Inhabitants of Wendell to pay their proportion of debts due from the town of Shutesbury, &c.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Assessors and Collectors of the said Town of Shutesbury, be, and they are hereby respectively authorized and empowered, to assess on, & to collect from the rateable Inhabitants and estates of that part of the Town of Wendell, which were previous to their being incorporated a part of the said Town of Shutesbury, their full proportion of all such sum or sums of money as were due from the said Town of Shutesbury, previous to the passing the aforesaid act of incorporation; and also their proportional part of all costs and charges, which have arisen or may accrue in consequence of the said debts; the said Assessors and Collectors observing the rules prescribed by law for the assessing and collecting of taxes.

July 6, 1787.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS;
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1787, AND FROM THENCE CON-
TINUED, BY ADJOURNMENT, TO WEDNESDAY, THE
SEVENTEENTH DAY OF OCTOBER FOLLOWING.

1787. — Chapter 15.

[October Session, ch. 4.]

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT DECLAR-
ING AND CONFIRMING THE CITIZENSHIP OF JOHN GARDI-
NER, ESQUIRE; BARRISTER AT LAW, MARGARET GARDINER
HIS WIFE, ANN GARDINER, JOHN SILVESTER, JOHN GAR-
DINER, AND WILLIAM GARDINER, THEIR CHILDREN," PASSED
IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUN-
DRED AND EIGHTY-FOUR. Chap. 15

Whereas it appears by some misprision, that the name Preamble.
of the said Ann Gardiner, was not inserted in the enacting
part of the said Act:

Be it therefore enacted by the Senate, and House of
Representatives, in General Court assembled and by the
authority of the same, that the said Ann Gardiner, is here- Enacting clause.
by declared to be a free Citizen of the said Commonwealth
of Massachusetts, and is entitled to all the priviledges and
benefits of the said Act, as fully to all intents and pur-
poses, as if the name of the said Ann Gardiner, had been
inserted in the enacting part of the same.

October 25, 1787.

1787. — Chapter 16.

[October Session, ch. 5.]

AN ACT FOR NATURALIZING BARTHOLOMY DE GREGOIRE,
MARIA THERESA DE GREGOIRE, HIS WIFE, AND THEIR
CHILDREN. Chap. 16

Whereas Bartholomy de Gregoire, and Maria Theresa Preamble.
his Wife, have presented a petition to this Court, for an

Act of naturalization of themselves, and of their Children, — And it appears reasonable that the prayer of their petition should be granted.

Be it therefore enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, that the said Bartholomy de Gregoire and Maria Theresa de Gregoire his Wife, be permitted to take and subscribe the Oath of Allegiance, to this Commonwealth, before two Justices of the Peace, Quorum Unus, of any County within the same, and thereupon and thereafter they and each of them, together with their Children, Viz^t. Pierre De Gregoire, Nicholas de Gregoire, and Maria de Gregoire, shall be deemed, adjudged and taken to be Citizens of this Commonwealth, and intituled to all the Liberties, Rights and Priviledges of natural born Citizens.

And be it further enacted by the Authority aforesaid, that the Justices before whom the said Bartholomy De Gregoire, and Maria Theresa de Gregoire, his Wife, may take and subscribe the oath aforesaid, shall make return thereof to the Secretary of this Commonwealth, who shall record the same, in the Book ordered to be kept for such purpose.

October 29, 1787.

1787. — Chapter 17.

[October Session, ch. 6.]

Chap. 17 AN ACT FOR ENABLING PROPRIETORS OF PRIVATE WAYS AND BRIDGES, TO REPAIR THEM IN EQUAL PROPORTION.

Manner of calling proprietors meetings.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the Authority of the same, that when, and so often as any number of the proprietors & rightful occupants of any private way or bridge, where there are four, or more than four of them shall judge a proprietors meeting necessary, three of them applying to a Justice of the Peace, within and for the County, where the said way or bridge lies, such Justice is hereby authorized, and empowered, to grant a Warrant for calling the same, or otherwise one fourth part of the said proprietors may of themselves call such meeting; in either case to be done by Warrant under the hand of the said Justice, posted up in some public place or places, in the Town or Towns, where the said proprietors, and rightful occupants, live respectively, seven days at least before

the time appointed for such meeting, signifying the time, place, and business thereof; and the major part of the proprietors, and rightful occupants, so assembled, shall have full power to determine by a major Vote, on any other way of calling meetings in future, and to chuse a Clerk and Surveyor, who shall be sworn to the faithful discharge of their respective trusts, as Town Officers are, and to determine what repairs on the said way or ways, bridge or bridges are necessary, and also each proprietor's and occupant's proportion of labor, and materials necessary for repairing the said way or ways, bridge or bridges; and such Surveyor so chosen and sworn, shall have the same power with respect to such ways or bridges, as the Surveyors of highways are by law invested with, and shall be governed by the same rules as are prescribed by law for their direction; and in case of neglect or refusal of any proprietor or occupant, in attending the said work, by himself or other sufficient person in his stead, or furnishing materials when required by the said Surveyor, necessary for the repair of the said ways or bridges, agreeably to the determination of the said proprietors, he or she shall be subject to the same fines and penalties as are provided in case of town highways, and to be recovered in the same manner.

A surveyor, &c.
shall be chosen.

And be it further enacted, That if any Surveyor, chosen as is provided by this Act, shall refuse or neglect to accept that trust, and take the oath aforesaid, he shall forfeit and pay the sum of *twenty shillings*, to be recovered in manner aforesaid: And all fines and forfeitures incurred by breach of this Act shall be applied for the use of the propriety for repairing the said ways or bridges.

Penalty if any
Surveyor neg-
lects to accept
that trust.

November 12, 1787.

1787. — Chapter 18.

[October Session, ch. 7.]

AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWN OF WORCESTER, IN THE COUNTY OF WORCESTER, INTO A SEPERATE PARISH.

Chap. 18

Whereas a number of the inhabitants of the Town of Worcester, belonging to the religious society, whereof the Reverend Aaron Bancroft, is pastor, have petitioned this Court, to be incorporated, for the reasons expressed in their

Preamble.

petition, and it appearing to this Court reasonable that the prayer be granted:

Incorporated &
invested with
powers.

Be it therefore Enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That Levi Lincoln, Timothy Paine, David Bigelow, Joseph Allen, Palmer Goulding, Benjamin Flagg, John Peirce, John Stowers, John Barnard, Jedediah Healy, William Treadwell, Abel Stowell, Phineas Heywood, Eli Chapin, Cornelius Stowell, Thaddeus Mc'Carty, Samuel Chandler, Abraham Lincoln, Samuel Flagg, Ephraim Mower, John Stanten, Timothy Bigelow, Clark Chandler, John Smith, Samuel Allen, Ignatius Goulding, Daniel Goulding, Edward Bangs, Samuel Bridge, John Goodwin, Jacob Snow, Samuel Brazer, Nathan Heard, Nathaniel Paine, David Bigelow, Nahum Willard, Joel How, Oliver Peirce, Josiah Peirce, Isaiah Thomas, Samuel Fullerton, John Walker, David Chadwick, Ellis Gray Blake, Micah Johnson, Benjamin Andrews, Lemuel Rice, Charles Chandler, Andrew Tufts, Daniel Clap, Benjamin Green, Joseph Torry, William Gates, Samuel Warden, Winthrop Chandler, William Johnson, William Jenneson, Anthony Paine, John Paine, Elias Mann, Peter Stowell, Thomas Stowell, Benjamin Butman, the petitioners, & members of the said religious society, together with their polls and estates be, and hereby are incorporated into a parish by the name of the second parish in the town of Worcester, with all the privileges, powers and immunities which other parishes in this Commonwealth, are intitled to, by law.

Inhabitants at
liberty to join
either parish.

Proviso.

Be it Enacted by the Authority aforesaid, that any of the Inhabitants of the said Town, shall at all times hereafter have full liberty to join themselves with their families to either of the parishes in the said Town: Provided they shall signify in writing under their hands to the Clerk of the said Town, their determination of being considered as belonging to the parish to which they may join themselves as aforesaid.

And be it further Enacted by the Authority aforesaid, that the members of each respective parish, & their families, shall be deemed and considered as continuing members of their respective parishes, with their Estates, for the time being, until they shall signify their determination to the contrary, as above expressed.

And be it further Enacted by the Authority aforesaid,

that *Levi Lincoln*, Esq; be, and hereby is authorized, to issue his Warrant, directed to some principal member of the said parish, requiring him to warn the members of the said parish, qualified to vote in parish affairs, to assemble at some suitable time and place in the said Town, to choose such Officers, as parishes are by law required to choose in the month of *March* or *April* annually, & to transact all matters and things necessary to be done in the said parish.

Levi Lincoln,
Esq., to call a
meeting.

November 13, 1787.

1787.—Chapter 19.

[October Session, ch. 8.]

AN ACT FOR THE FURTHER REGULATING THE ASSIZE OF BARREL BEEF AND PORK.

Chap. 19

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that from and after the passing this Act, every barrel of Beef salted for sale or exportation, shall contain at the least, two hundred pounds weight of beef; and every half barrel, one hundred pounds weight of Beef, consisting of a due proportion of the best as well as the poorest part of each quarter respectively, without having any part culled out; to be packed in good sound full bound Casks: and from and after the first day of *August* next, every barrel and half barrel of Beef, so packed, shall be in white oak Casks, clear of sap, and full bound. And from and after the passing this Act, every barrel of Pork salted for sale or exportation, shall contain at the least two hundred pounds weight of Pork, and every half barrel one hundred pounds weight of Pork; consisting of a due proportion of the best as well as the poorest part of each Hog, without having any part culled out; and each barrel containing not more than three half heads, and six legs, to be packed in good sound white oak full bound Casks: And from and after the first day of *August* next, every barrel of Pork so packed, shall be in white oak Casks, clear of sap and full bound. And the several Packers of salted beef and pork within this Commonwealth, are hereby directed to govern themselves accordingly, under the same penalties as are already in such cases by law provided.—And for the more effectually carrying into execution the provisions of this Act:

Quantity each
barrel &c. shall
contain, & how
packed.

Forfeiture, if not
packed, &c. as
provided by this
act.

It is further enacted by the authority aforesaid, that if any person shall, from and after the passing this Act, Offer for sale, or sell any Cask of salted beef or pork, not containing the quantity, and packed in the manner provided in this Act, he shall forfeit for every Cask of salted Beef or Pork he shall so offer for sale, the sum of three pounds, lawful money, to be recovered by action, information or indictment, in any Court proper to try the same, one moiety thereof, to the use of the person prosecuting for the same, and the other moiety, to the use of the poor of the Town, wherein the offence shall have been committed.

Former act re-
pealed.

*And be it further enacted by the authority aforesaid, That an Act, intituled "An Act for altering a certain clause in an Act, intituled *An Act regulating the exportation of Flax Seed, Pot Ash, Pearl Ash, Beef, Pork, Barreled Fish and dried Fish,*" made and passed in the year of our Lord, one thousand seven hundred and eighty six, from and after the passing this Act, be, & hereby is repealed.*

November 14, 1787.

1787. — Chapter 20.

[October Session, ch. 9.]

Chap. 20 AN ACT FOR THE CONTINUANCE OF, AND IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR SUSPENDING THE LAWS FOR THE COLLECTION OF PRIVATE DEBTS, UNDER CERTAIN LIMITATIONS."

Preamble.

Whereas the time limited for the duration of the said Act, is near expiring: Therefore,

Time of contin-
uance.

Be it enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same that the aforesaid act shall continue and be in force, untill the third Wednesday of the next sitting of the General Court, and no longer.

Appraisers, how
chosen.

And be it further Enacted, that when any execution shall be levied in pursuance of the Act aforesaid, the appraisers shall be chosen in the following manner, and not otherwise: the creditor shall choose one, and the debtor one; but if debtor or creditor shall neglect, or refuse to choose as aforesaid, the other party shall choose one appraiser, & the Officer shall choose one other appraiser. And in either case the two appraisers chosen as aforesaid, shall choose the third; any thing in the aforesaid act notwithstanding.

Provided however, that in case the two appraisers chosen as aforesaid, shall not agree on a third appraiser, the Justice before whom they shall be sworn, shall appoint the third person.

Proviso.

November 15, 1787.

1787. — Chapter 21.

[October Session, ch. 10.]

AN ACT FOR ESTABLISHING PUBLIC LIGHTS, ON THE NORTH END OF PLUMB ISLAND, IN IPSWICH BAY, IN THE COUNTY OF ESSEX.

Chap. 21

Whereas it will be of great advantage to the commerce of this Commonwealth, that two public lights should be established upon the north end of Plumb Island, in Ipswich Bay, in the County of Essex, in such a position as to form but one light to vessels passing over the bar, into Merrimack River :

Preamble.

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the Commissary General, together with Messieurs William Coombs, Michael Hodge, & William Bartlett, of Newbury Port, in the County of Essex, merchants, be, and hereby are invested with full powers and authority to erect & build two small wooden light houses, on the north end of Plumb Island aforesaid, & in the position above described, convenient for fixing proper lights thereon : provided the expence of erecting & building the said light houses, shall not exceed the sum of three hundred pounds, lawful money : & provided the said light houses be so constructed, as whenever the said bar should shift, the said light houses may be moved so as always to be kept in the position aforesaid.

Two small light houses to be erected.

Proviso.

Be it further enacted by the authority aforesaid, That the expence of building the said light houses, shall be defrayed out of the monies which shall be received into the Treasury of this Commonwealth, for the year One thousand seven hundred & eighty eight, on account of duties imposed for the purpose of supporting and maintaining the several light houses in this Commonwealth, not before appropriated.

Expence, how defrayed.

And it is further Enacted by the authority aforesaid, that when the light houses aforesaid, shall be compleated, the Commissary General, provide suitable lights to be placed therein, & maintain them in the same manner, &

Commissary General to provide suitable lights, &c.

out of the same funds, as the other public lights of this Commonwealth, are provided for & maintained; & the Commissary General is hereby directed and enjoined to provide for the keeping the said light houses, at all times, in the position above described.

Proviso.

Provided nevertheless, that nothing in this act shall oblige the Commissary General to advance any money for the support of the Lights, to be erected as aforesaid, until the debts previously contracted for the support of the public lights, be first discharged out of the funds appropriated therefor; but if any person or persons will advance money, for the support of the said lights, to be erected as aforesaid, the Commissary General, is directed to charge the money so advanced, to the said funds.

November 16, 1787.

1787. — Chapter 22.

[October Session, ch. 11.]

Chap. 22 AN ACT TO ANNEX A GORE OF LAND TO THE TOWN OF LONG-MEADOW.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the Gore of land lying at the southeasterly part of the Town of *Longmeadow*, and adjoining the said Town, called the Gore, containing about four hundred acres, the said land being and lying north of what is called the Colony line, and not included in any Town, together with the inhabitants thereof, be, and hereby is annexed to the Town of *Longmeadow*; and the said inhabitants shall there do duty, and receive priviledges, equal to the other inhabitants of the said Town.

November 16, 1787.

1787. — Chapter 23.

[October Session, ch. 12.]

Chap. 23 AN ACT TO UNITE THE FIRST AND SECOND PRECINCTS IN THE TOWN OF LEOMINSTER, IN THE COUNTY OF WORCESTER, INTO ONE PARISH.

Preamble.

Whereas it appears to the General Court, from the representations of the inhabitants of the said Precincts, that it will be more convenient, & for the interest of the said town, that the first & second Precincts in the said town should be united into one Parish:

Be it therefore enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, that the first & second Precincts in the said town of Leominster, be united into one Parish, & all Parish lines in the said town of Leominster, are hereby declared void; any law, resolution or order, to the contrary notwithstanding.

First and second
parish united.

Provided nevertheless, that the inhabitants & estates of the said Precincts, respectively, be held to pay all parish taxes, already assessed on them, & all Parish debts due from them, in their separate capacities, in the same manner that they would have been held, if this act had not passed.

Proviso.

November 16, 1787.

1787. — Chapter 24.

[October Session, ch 13.]

AN ACT FOR NATURALIZING ALEXANDER MOORE, AND OTHERS, *Chap. 24*
HEREIN NAMED.

Whereas Alexander Moore, Isaac Smith, John Deverell, John Gregory, David Poignand, and Delicia his wife, and Abraham Bazin, now residents in Boston, and Benjamin Pickman, now resident in Salem, Henry Smith with Elizabeth his wife, in behalf of themselves & their children, also Kirk Boott, & William Pratt, now resident in Boston, have petitioned the General Court, that they may be naturalized, and it appearing reasonable that the prayer of the petitioners should be granted:

Preamble.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same, that Alexander Moore, merchant, Isaac Smith, clerk, John Deverell, silver smith, John Gregory, merchant, David Poignand, merchant, & Delicia Poignand his wife, Abraham Bazin, merchant, Henry Smith, merchant, with Elizabeth Smith his wife, Henry Lloyd Smith, Elizabeth, Catherina, Rebecca & Anna Smith, children of the said Henry, now resident in Boston, Benjamin Pickman, Esquire, now resident in Salem, in the Commonwealth of Massachusetts, William Pratt and Kirk Boott, both of London, in the Kingdom of Great Britain, merchants, now residing in the said Boston, Mary Boott, the wife of the said Kirk Boott, and Frances the daughter of the said Boott, upon their respectively taking the oath of allegiance to this Commonwealth, before

Alex. Moore &
others natural-
ized.

two Justices of the Peace, *quorum unus*, (they being of age, or when they shall come to be of age) shall be deemed, adjudged, & taken to be free citizens of this Commonwealth, & entitled to all the privileges, liberties, and immunities of natural born subjects.

And be it further enacted, that the Justices before whom the persons aforesaid may respectively take the oath aforesaid, shall return a certificate thereof into the Secretary's Office, to be recorded in a book, ordered to be kept for that purpose.

November 16, 1787.

1787. — Chapter 25.*

Chap. 25 AN ACT TO ENABLE JEDUTHUN RICHARDSON TO TURN THE WATER IN RICHARDSON'S RIVER (SO CALLED) IN WOBURN IN THE COUNTY OF MIDDLESEX.

Whereas Jeduthun Richardson of Woburn has petitioned the General Court for leave to turn the water which runs in Richardson's River (so called) in the Town of Woburn out of the natural Canal, for the purpose of carrying it to a Corn Mill, which he is about to move from the place where it now stands, and build in a place more convenient for public use: *And whereas* Jonathan Richardson & Rebecca Richardson the only proprietors of lands adjoining to the said river where the waters thereof are proposed to be turned (other than the lands owned by the said Jeduthun) have by writing under their hands & seals certified their consent to turning the said water agreeably to the prayer of the said petition; *And this Court being satisfied as to the utility thereof.*

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same that the said Jeduthun Richardson be, and he hereby is permitted & empowered to turn the waters of the said river out of the natural channel by cutting a canal through his own land, which lays eastward of the said Jonathan Richardson's land thence southwesterly by the northwardly side of the said Jonathan Richardsons and the said Rebecca Richardson's land crossing the road or high way about twenty poles northeastwardly from the said Jeduthun's Corn Mill where it now stands, so on, through the said Jeduthun's own land, to the place where he proposes to build the said Corn Mill, & from thence

* Not printed in previous editions.

by the most direct course into the natural channel of the said River agreeably to a plan exhibited with the said petition, taken by *Samuel Thompson* Surveyor, dated *October 1787*; and to use and improve the same waters forever in the same manner as though the original channel had run in the same place where the said Canal is proposed to be cut, without being liable to any prosecution for trespass or damage for turning the said waters or using the same as aforesaid any law to the contrary notwithstanding. *Provided nevertheless and be it further Enacted* that the said Canal shall be so constructed, as to supply the said natural Channel with water at all times, sufficient for the purpose of watering cattle.

November 16, 1787.

1787. — Chapter 26.

[October Session, ch. 1.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO RAISE
A PUBLIC REVENUE BY EXCISE." *Chap. 26*

Be it Enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same, that so much of a Clause in the Act to which this is an addition, as directs the Collector or his Deputy, who may receive Certificates given by persons living in another County, to transmit them to the Collector of the County, where the person giving them lives, be repealed; & that the several Collectors be, and they are hereby directed, to transmit to the Comptroller General, all the Certificates which they may receive from importers or other persons accounting with them, except such Certificates as are given by persons living within their respective Districts, — and if the Comptroller General, on examination, should find any of those Certificates not credited by the person signing the same, he shall transmit them to the Collector of the County or District, where the person giving them lives.

Clause in a
former act
repeal'd.

And be it Enacted, that if any person legally authorized to sell excised articles, shall give a Certificate promising to account for the excise on the articles contained therein, and shall neglect to do it in the manner and at the times prescribed by the Act to which this is an addition, such person shall pay the excise on the articles mentioned in such Certificate, and *fifty per centum*, in addition thereto; and if any person not legally authorized as aforesaid, shall

Penalty for
neglecting to ac-
count for excise,
&c.

How recovered.

give such Certificate, he shall forfeit and pay four fold duties on the articles mentioned therein ; and the Collector of the County or District, where such delinquent lives, shall demand the same ; & if not paid in thirty days, he shall sue for, and recover the penalty aforesaid, in any Court proper to try the same ; and the Collector shall pay into the Treasury all such duties and penalties, as soon as may be, after the receipt thereof, and shall account with the Comptroller General therefor.

Penalty when
licenced or per-
mitted persons
neglect to
exhibit their ac-
counts, &c.

And be it further Enacted by the authority aforesaid, that if any licenced or permitted person shall neglect to exhibit his Accounts and Certificates, agreeably to the Act to which this is an addition, on the first days of *May* and *November* annually, or within thirty days thereof, the Collector shall put his bond in suit, and shall recover a sum not less than double the whole amount of the duties on all the excised articles such person had on hand, at the settlement last made, & on all which he may have imported or given certificates to account for, since such settlement ; and if after rendering such Accounts, any person shall neglect to pay the excise due thereon, for forty days after the said first days of *May* & *November* respectively, the Collector shall then proceed as is by law provided in case of the non payment of the duties on Wheel Carriages.

Time this act
shall operate.

And be it further Enacted, that this Act shall begin to operate, & be in force, from and after the first day of *January*, in the year of our Lord, one thousand seven hundred and eighty eight, and the Comptroller General, is hereby directed to transmit a copy of this Act, to the several Collectors of Impost & Excise, within this Commonwealth, that they may govern themselves accordingly.

November 16, 1787.

1787. — Chapter 27.

[October Session, ch. 14.]

Chap. 27 AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE RIVER BETWEEN SALEM AND BEVERLY, AND FOR SUPPORTING THE SAME.

Preamble.

Whereas the erecting a Bridge over the River between Salem and Beverly, from the ferry ways on Salem side, to some place on Beverly side, between the extremes of Green's point, and Ellinwood's wharf, (so called) will be of great

public utility, and very beneficial to the County of Essex, in particular; and George Cabot, Esquire and others, have petitioned this Court for an Act of incorporation, to empower them to build the said Bridge, and many persons, under the expectation of such an Act, have subscribed to a fund for the purpose of erecting and Compleating the same:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that George Cabot, Esquire John Cabot, John Fisk, Israel Thorndike, and Joseph White, be, and hereby are constituted a Corporation for Building a Bridge as aforesaid, so long as they shall continue to be proprietors in the fund to be raised for that purpose, together with all those who are, or shall hereafter become proprietors to the said fund, shall be a corporation and body politic, under the name of the proprietors of Essex Bridge, and by that name, may sue and prosecute, and be sued and prosecuted to final Judgment and execution, and to do and suffer all other matters and things, which bodies politic, may or ought to do and suffer, and that the said Corporation, shall and may have full power and authority, to make, have and use a common seal, and the same to break and alter at pleasure.

Proprietors incorporated a body politic.

*And Be it further enacted by the authority aforesaid, that the said George Cabot, Esquire, John Cabot, John Fisk, Israel Thorndike, and Joseph White, or any three of them, may by advertisement, in any two of the Newspapers, call a meeting of the said proprietors, to be holden at any suitable time and place, after fifteen days from the publication of the said advertisement, and the said proprietors, by a Vote of the majority of those present, or represented at the said meeting (accounting and allowing a vote to each single share in all cases) shall choose a Clerk who shall be duly sworn to the faithful discharge of his Office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said Corporation, for effecting, compleating and executing the purposes aforesaid, or for Collecting the Toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof, may order and enjoin fines and penalties, not exceeding *four pounds*; provided the rules and regulations are not repugnant to*

Proprietors may call a meeting.

— may make & establish rules and regulations.

Proviso.

the Laws or Constitution of this Commonwealth : and the said proprietors may also choose and appoint any other officer or Officers of the Corporation, that they may deem necessary ; and all representations at the said meeting, shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with, or recorded by the Clerk ; and this Act, and all rules, regulations and Votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose provided and kept.

Toll granted.

Rates of Toll.

When to commence, and how long to continue.

Bridge, — how to be built.

And be it further enacted by the authority aforesaid, That for the purpose of reimbursing the said proprietors the monies by them expended, or to be expended in building and supporting the said Bridge, a *toll* be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following, *to wit.* for each foot passenger, *One fiftieth part of dollar*; for each person and horse, *one twentieth part of a dollar*; for each horse and chaise, for each sulky, or for each Sley drawn by one or more horses, *one eighth of a dollar*; for each Coach, Chariot, Waggon or Curricule, *one fourth of a dollar*; for each Cart, waggon, Sled or Sley, or other Carriage of burden, drawn by one or more beasts, *one tenth of a dollar*; for each wheelbarrow, hand Cart, or other vehicle, capable of carrying a like weight, with one person, *three hundreths of a dollar*; for neat Cattle, and Horses, exclusive of those rode, or in Carriages, *three hundreths of a dollar* each ; for sheep and swine, at the rate of *one twelfth of a Dollar* for each dozen. — and Toll on Lord's days, shall be double the above rates ; and to each Team one person and no more, shall be allowed as a driver, to pass free of Toll ; and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open — and the said Toll shall Commence on the day of the first opening of the said bridge, for passengers, and shall continue for and during the term of seventy years, at the end of which time the said Bridge shall be delivered up in good repair, to and for the use of this Government.

And be it further enacted by the authority aforesaid, that the said Bridge shall be well built, at least thirty two feet wide, of good and suitable materials, and be well covered with plank or Timber, on the Top, suitable for such a bridge, with sufficient rails, on each side, boarded

eighteen inches from the bottom, for the safety of passengers; and the same shall be kept in good, safe and passable repair, for the Term aforesaid; and at the end of the said term, the said Bridge shall be left in like repair.— and the said proprietors shall constantly keep the said bridge accommodated with at least, twelve good Lamps, four of which shall be at the draw, and kept burning through the night; and all the said Lamps shall be well supplied with Oil, and lighted in due season, and those not at the draw, kept burning till twelve of the Clock at night; and also at the several places where the Toll shall be received, they shall erect and constantly expose to open view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

— to be
accomodated
with 12 lamps,
&c.

And whereas it is always deserving of the attention of Government in accommodating the public, and in promoting undertakings of public utility, to guard as much as possible against inconveniences to any individuals; therefore for rendering the said Bridge, as little inconvenient as possible to the navigation of the said river, and for facilitating the passing and repassing of vessels through the said Bridge:

Be it further enacted by the authority aforesaid, that the said proprietors shall build, and during the said term keep a convenient and sufficient draw, or passage way, at least thirty feet wide, at some place in the said Bridge, proper for the passing and repassing of vessels by day and by night, through the said Bridge; and shall also build and maintain in good repair, a well constructed and substantial pier, or wharf, on each side of the said Bridge, and adjoining to the Draw every way, sufficient for Vessels to lie at, securely; and the said Draw shall be lifted for all ships and vessels, without Toll or pay, except for boats passing for pleasure; and all ships and Vessels intending to pass the said Draw, shall lie free of charge, at the Wharf or Pier, until a suitable time shall offer for passing the same; and the said proprietors shall, during the said Term, constantly keep at the said Draw, some suitable person or persons, for lifting up the same, for the passing or repassing of all ships and vessels, with masts that shall not admit of a safe passage under the Draw; and also an anchor placed in the bed of the river, at a proper distance above the Draw, with a Hawser of suitable size and

A convenient
draw, or pas-
sage way, to be
built.

Draw shall be
lifted without
toll or pay &c.

strength extending through the Draw to another anchor placed at a similar distance below the said Draw, which Hawser shall always have the Right or middle part lodged at the Draw ready for use, to all vessels passing the Draw either way; and they shall also constantly keep at the said Draw, a good Hawser or rope not less than three inches in circumference, of sufficient length to extend from the extremity of the wharf or pier on one side of the Bridge, to the extremity of the wharf or pier on the other.

Compensation
to be made to
the towns of
Salem and
Danvers.

And Be it further enacted by the authority aforesaid, that after the said Toll shall commence, the said proprietors or corporation shall annually pay to the Treasurer of the Town of *Salem*, or his successor in the said office, the sum of *forty pounds* Lawful money, as a full compensation for the ferry ways lately erected by the said Town, the materials composing the same, and the emoluments arising from the said ferry; and to the Treasurer of the Town of *Danvers*, in the said County, or his successor, the sum of *ten pounds*, lawful money, annually.

And be it further enacted, that if the said proprietors shall refuse or neglect, for the space of four years after the passing of this Act, to build and Complete the said Bridge, then this Act to be void, and of no effect.

November 17, 1787.

1787. — Chapter 28.

[October Session, ch. 2.]

Chap. 28 AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF THE SOCIETY, FOR PROPAGATING THE GOSPEL AMONG THE INDIANS AND OTHERS, IN NORTH AMERICA.

Preamble.

Whereas divers persons have petitioned this Court for an Act of incorporation, whereby they may be the better enabled to carry into effect their design of propagating the Gospel among the Indians & others in North America, and it is reasonable that the prayer of the said petition should be granted: therefore, to promote & encourage the same.

Certain persons
incorporated.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, that Richard Cranch, of Braintree, esq^r, reverend John Clark, of Boston, Francis Dana, of Cambridge, esq^r, reverend Joseph Eckly, and John Elliot, of Boston, reverend Nathaniel Emmons, of

Franklin, reverend *Levi Frisbie*, of Ipswich, *Moses Gill*, of Princeton, & *William Hyslop*, of Brookline, esq's. reverend *Timothy Hilliard*, of Cambridge, *Jonathan Mason*, of Boston, esqr; reverend *Phillips Payson*, of Chelsea, reverend *Eliphalet Porter*, & *Increase Sumner*, esqr; of Roxbury, *Ebenezer Storer*, esq^r; reverend *Peter Thacher* & *Oliver Wendell*, esq^r; of Boston, reverend *Joseph Willard* & *Edward Wigglesworth*, & *Samuel Williams*, Doctor of Laws, of Cambridge, & the reverend *Ebenezer Wight*, of Boston, be, with such others as they shall elect, & they hereby are incorporated, & made a body politic, for the purpose aforesaid, by the name of, the Society for propagating the Gospel among the Indians, & others, in North America; & the Society aforesaid, shall have perpetual succession, & may have a common seal, which it shall be lawful for them to change, break, alter and make new at pleasure, & may purchase & hold in succession, lands, tenements, and real estate of any kind, the annual income and profits whereof not to exceed the value of *Two thousand pounds*. And the said Society is hereby enabled to take & receive subscriptions, of charitably disposed persons, & may take any personal estate in succession; and all donations to the Society, either by Subscription, legacy or otherwise, excepting such as may be differently appropriated by the donors, shall make a part of, or be put into the capital stock of the Society, which shall be put out on interest on good security, or otherwise improved to the best advantage, & the income or profits applied to the purposes of propagating the Gospel among the said Indians, in such manner as they shall judge most conducive to answer the design of their institution; and also among other people, who through poverty or other circumstances, are destitute of the means of religious instruction: And the said Society is hereby empowered to give such instructions, orders & encouragements to their Officers, & those they shall employ, as they shall judge necessary; & the persons employed as teachers in any capacity, shall be men of the protestant Religion, of reputed piety, loyalty, prudence, knowledge & literature, & of other Christian & necessary qualifications suited to their respective stations.

Society to have perpetual succession.

Enabled to take and receive subscriptions.

Persons employed as teachers, to be of the protestant religion.

And be it further Enacted by the authority aforesaid, that the said Society shall meet at some convenient place in the Town of *Boston*, on the first thursday of *December*

Time and place for holding the first meeting.

next, & then chuse a President, Vice President, Treasurer and Secretary, and such other Officers as they shall judge proper, & may make bye laws, & orders, for the regulation of the said Society; Provided such bye laws & orders be not repugnant to the Laws of the Land, & act upon all matters which they apprehend needful, to promote the end of their institution: and the Officers so chosen shall continue in their Office, until the thursday next succeeding the last wednesday of *May* next following the time of their appointment.

Time of holding
general meet-
ings.

And be it further enacted, that there shall be a general meeting of the members of the said Society, at *Boston* aforesaid, or in any other place within this Commonwealth, (unless some extraordinary occurrence prevent the same) on the thursday aforesaid in *May*, & first thursday of *November*, yearly, forever, and oftener if needful, when and where the said Society shall think fit; and any seven of the members (the President, Vice President, Treasurer, or Secretary always to be one) being convened at the said time & places, are hereby declared to be a quorum of the said general meeting; & the said Society at their general meeting in *May* in every year (& in case of any extraordinary occurrence preventing their meeting, then at their next general meeting after shall out of their own body) by a majority of the members present, elect a President, Vice President, Treasurer & Secretary, and such other Officers as they shall find needful, to continue in Office until the *May* meeting next following their appointment, or until others be chosen to succeed them; & all the Officers aforesaid, before they shall be qualified to act, shall be under oath, for the faithful performance of their respective trusts; & the said Society, at their first, or any other stated meeting, (& at no other) may elect into their body, such persons as they shall judge qualified, to assist them in their good design; Provided the whole number of the said Society, shall at no time exceed Fifty members; & may appoint Committees, to prosecute the orders of any general meeting, audit the Treasurer's accounts, & prepare matters for the Society to act upon; & such Committees shall exhibit an account of their proceedings, at the general meetings of the said Society.

Officers shall be
under oath.

Society declared
capable of prosecuting actions,
&c.

And be it enacted, that the Society aforesaid, by the name aforesaid, shall be, & is hereby declared to be capable to prosecute, pursue, & defend, in all Courts, & places,

& before all proper Judges whatsoever, all actions, causes, processes & pleas, of what kind or nature soever, in the fullest & amplest manner; & if it shall happen that the said Society shall become seized of lands, or tenements by mortgage, as security for the payment of any debts, or by levying executions on lands for discharge of debts, due to the said Society, it shall be lawful for the said Society, by deed under the hand & seal of their President, for the time being, to sell & convey the lands acquired in either of the two mentioned ways; Provided that no such sale shall be made, or concluded on, but at some general stated meeting.

And be it further enacted, that the said Society be, & hereby is empowered, upon the death of their President, Vice President, Treasurer, Secretary, or any other Officer, to choose others at any stated general meeting, to succeed them; & may also remove any of their Officers, when they shall judge expedient, & appoint others to succeed them therein. *Provided always*, that no member shall be removed, or Officer displaced, unless at one of the stated general meetings as aforesaid.

Society may
remove any of
their officers.

Proviso.

And to the end, that the members of the said Society, & all contributors to the said design, may know the state of the Society's stock, & the dispositions of the profits thereof, & of all the donations made to the said Society:

Be it further enacted, that a particular account of such stock & disposition, shall be exhibited by the Treasurer, at every stated general meeting; which accounts, the Secretary, or a Committee of the said Society, (having examined the same) shall certify to be true; & fair entries shall be made, in proper books, to be provided for that purpose, of all donations made to the said Society, & of all the estate, both real & personal, belonging to the Society, & of the incomes thereof, & also of all transactions, either by themselves, their Officers, or Committees, for, or on account of the Society; & the said books shall be brought to the stated general meetings of the Society, & be there open for the perusal & examination of the members.

Account of
stock &c. shall
be exhibited at
every general
meeting.

And it is further enacted, That *Moses Gill*, esq^r; be, and he hereby is authorized, by public notification, in *Nourse & Adams Independent Chronicle*, to call the first meeting of the said Society, at such time & place, in the Town of *Boston*, as he shall judge proper. *November 19, 1787.*

Moses Gill, Esq.
to call the first
meeting.

1787. — Chapter 29.

[October Session, ch. 3.]

Chap. 29 AN ACT FOR THE RELIEF OF POOR PRISONERS, WHO ARE COMMITTED BY EXECUTION FOR DEBT.

Clause respecting persons who stand committed, and have not sufficient estate to support themselves in prison.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that when any person, standing committed by force of any Execution issuing from any Court in this Commonwealth, on a judgment recovered by any person, shall complain that he, or she, hath not estate sufficient to support him, or her, in prison, the Goaler or Keeper of such prison, shall on such complaint, apply to one of the Justices of the Peace, within & for the County, in which such prison is, who shall thereupon make out a notification in writing under his hand and seal, thereby signifying to the Creditor, or Creditors, such prisoner's desire of taking the privilege & benefit allowed in and by this Act, and of the time and place, appointed for the intended caption of the oath or affirmation allowed by this Act, & which being served on the Creditor, or Creditors, of the said prisoner, if he, she or they live within this Commonwealth, his or her Executor, or Administrator; and if such Creditor or Creditors, live out of this Commonwealth, upon his or their Agent, or Attorney, who brought forward the suit on which the judgment whereon the execution by which the prisoner stands committed, was rendered, by the Sheriff, or his Deputy, of the County, in which the said service shall be made, either by reading the same to him or her, or by leaving an attested copy thereof, at the usual place of abode of such Creditor or Creditors, Agent or Attorney as aforesaid, at least thirty days before the time appointed for taking the said oath or affirmation, that he, she, or they may be present, if they see cause. *Provided* that if any Creditor or Creditors, live out of this Commonwealth, and have no Agent or Attorney as aforesaid living in the same, an attested copy of such notification, shall be left with the Clerk of the Court, or the Justice by whom the said Execution was signed, at least fifty days before such intended caption.

Justices of the peace empowered to administer an oath or affirmation.

And be it further Enacted, that any two Justices of the Peace, within and for the County where such caption is to be taken, each of whom shall be of the quorum, & disinterested and not related either to the Creditor or Debtor,

are hereby authorized & empowered, at the time and place appointed for the taking such caption, to examine the return of the said notification; and if it shall appear to be duly made, to administer the said oath or affirmation, after fully examining & hearing the parties, if they the said Justices, shall think proper so to do, to such Debtor; which oath or affirmation, shall be in the form following, *to wit.*

I do solemnly swear before Almighty God, Form of the oath.
(or affirm, as the case may be) that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased or otherwise conveyed or disposed of, to, or intrusted any person or persons whomsoever, with all or any part the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefor; or have caused or suffered to be done, any thing else whatsoever, whereby any of my Creditors may be defrauded. — *So help me God* — (or this I do under the pains and penalties of perjury, as the case may be.)

Which oath or affirmation being administered by the said Justices to, and taken by such prisoner, and a Certificate thereof made under the hands & seals of the Justices administering the same, to such Goaler or Prison Keeper, he shall thereupon set such prisoner at liberty, if he or she is committed for no other cause, and the body of such prisoner shall not be held in prison any longer upon such Execution; which Certificate to be made by the Justices as aforesaid, shall be in the form following, *to wit.* Certificate of such oath to be made.

S. ss.

To Keeper of the Goal at

We the subscribers, two of the Justices of the Peace for the said County of S. and each of us of the quorum, hereby certify, that A. B. a poor prisoner, confined upon Execution for debt, in the Goal at C. aforesaid, hath caused D. E. the Creditor, at whose suit he was so confined, to be notified according to law, of his the said A. B's desire of taking the benefit of an Act, intituled, "An Act for the relief of poor prisoners, who are committed Form of the certificate.

by Execution for debt ;” that in our opinion the said A. B. hath not any estate, either real or personal, sufficient to support himself in prison, and that he hath not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his Creditors, and that we have after due caution to the said A. B. administered to him the oath (or affirmation) prescribed in the Act aforesaid. Witness our hands and seals, this day of A.D.

Penalty if convicted of perjury.

And be it further Enacted, by the Authority aforesaid, that if any such prisoner as aforesaid, shall be convicted of having sold, leased or otherwise conveyed, concealed or disposed of, or intrusted his or her estate, or any part thereof, directly or indirectly, contrary to his or her foregoing oath, or affirmation, he or she shall not only be liable to the pains & penalties of wilful perjury, but shall receive no benefit from the said oath or affirmation ; And in case such prisoner at the time of the intended caption, shall not take the said oath or affirmation, or be not admitted thereto by the said Justices, he shall be remanded back to prison, and shall not be intitled to the benefit of this Act, unless a new Notification be made out, and served in manner as aforesaid.

Judgments obtained against such prisoners, shall remain good and effectual.

And be it further Enacted, that all & every judgment, obtained against such prisoners, shall notwithstanding such discharge as aforesaid, be, and remain good & effectual in law, to all intents & purposes, against any estate whatsoever, which may then or at any time afterwards, belong to him or her ; & the Creditor or Creditors, Agent or Attorney, their Executors or Administrators, may take out a new execution against the lands, tenements, hereditaments, goods, & chattles of such prisoner, (his wearing apparel, and household furniture, necessary for himself, his wife and children, and tools necessary for his trade or occupation, only excepted) for the satisfaction of the debt, in such sort and manner as might have been done, in case the said prisoner had never been taken in execution.

Persons now in execution, who have been admitted to the oath prescribed in a former act, shall be discharged from prison.

And be it further Enacted, that all and every person or persons, now in Execution, and confined in any of the Goals in this Commonwealth, who have been duly admitted to the oath prescribed in an Act made and passed in the year of our Lord, One thousand seven hundred and sixty three, intituled, “ An Act for the relief of poor prisoners for debt,” & who are notwithstanding still held in

custody, on the said Execution, by his, her, or their Creditor, paying such weekly allowance for their support in prison, as in the same Act is provided, shall be, and they hereby are discharged from such executions, whereon such oath hath been administred; and the several Goalers in whose custody such persons may be, shall upon due notice given them of this Act, discharge them, if they are confined for no other cause.

November 19, 1787.

1787. — Chapter 30.

[October Session, ch. 15.]

AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS, AND ALL *Chap. 30*
OTHER SHELL FISH, LAYING WITHIN THE HARBOURS, RIVERS
AND BAYS WITHIN THE LIMITS OF THE TOWNS OF SANDWICH
IN THE COUNTY OF BARNSTABLE, AND WAREHAM, IN THE
COUNTY OF PLYMOUTH, AND THE TOWNS OF DARTMOUTH,
AND WESTPORT, IN THE COUNTY OF BRISTOL.

Whereas it is of late the practice of persons belonging to Preamble.
other towns & ports to come with vessels & other craft into
the rivers & harbours of the aforesaid towns of Sandwich,
Wareham, Dartmouth & Westport, then & there to rake
the beds of oysters & other useful shell fish, and carry
away from the inhabitants large quantities of the said fish
into other parts not belonging to this Commonwealth, by
means whereof the said fish are in a great measure
destroyed; to the great damage of the poor & other inhabi-
tants of the said towns:

Be it Enacted by the Senate and House of Representatives
in General Court assembled, & by the authority of
the same, that any time from & after the first day of March
next, no person or persons presume to take, rake, or Penalty for
carry off by water, to any place, out of the limits of the offending
said towns, more than three bushels of the said fish against this act.
(including the shells) at any one time; & any person
offending against this act, & being convicted thereof in
any Court proper to try the same, shall forfeit & pay not
less than twenty shillings nor more than four pounds,
unless liberty for taking the said fish be first had &
obtained from the major part of the Selectmen, of the
respective towns, within whose limits they are taken; the
said liberty to be had & taken in writing under their hands.

Penalty for assisting.

And be it further enacted, that if any person or persons residing in either of the said towns, shall aid or assist any person or persons as aforesaid coming out of or belonging to any other town, in the taking of any of the fish aforesaid, or shall supply them therewith, he shall forfeit and pay not less than *twenty shillings*, nor more than *four pounds*, for each offence.

Vessels or boats found with more than 3 bushels of fish on board, without a permit, may be seized.

And be it further enacted by the authority aforesaid, that if any vessel or boat shall be found within three miles of either of the harbours or shores, of either of the said towns, having on board more than three bushels of the said fish, (including the shells) taken within the limits aforesaid, the said vessel or boat not being owned in either of the said towns, & not having a permit in writing from the Selectmen of one of the said towns for taking the said fish, it shall & may be lawful for any person or persons to seize such vessel or boat, & detain the same until the master thereof, shall pay such fine or forfeiture as shall be ordered by the Court that shall try the same, & the legal costs arising thereon.

Breaches of this act, — where & how tried.

And be it enacted by the authority aforesaid, that all breaches of this act happening in the said town of *Sandwich*, shall be heard and determined by any Justice of the peace, in the County of *Barnstable*, who on complaint of any breach of this act made to him in writing, shall issue his warrant for apprehending and bringing before him the person thereof accused on oath. And all breaches of this act which shall happen in the town of *Wareham*, shall be heard & determined by any Justice of the Peace, for the County of *Plymouth*, in the manner aforesaid. And all breaches of this act committed in the town of *Dartmouth* or *Westport*, shall be heard & determined by any Justice of the Peace in and for the County of *Bristol*, in manner aforesaid. And all the forfeitures which may arise as aforesaid, shall accrue one half to him or them who shall complain as aforesaid and the other half to the poor of the town where the Offence shall be committed.

Limitation.

And be it further Enacted, that this Act shall continue and be in force for two years from and after the passing the same, and no longer.

November 20, 1787.

1787. — Chapter 31.

[October Session, ch. 16.]

AN ACT MAKING PROVISION FOR THE BUILDING AND MAINTAINING LIGHT HOUSES ON THE SEA COAST OF THIS COMMONWEALTH, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 31

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there shall be paid by the Master or owner of any Vessel not employed in the Coasting or fishing business, from and after the first day of *January* next, into the hands of the Naval Officer where any Vessel shall clear out for any port not in this Commonwealth, previous to the clearing of the said Vessel, a duty of *two pence and one half of a penny*, per ton, to be computed agreeable to the rules of Carpenters measurement.

Tonnage duty to be paid to the naval-officer, previous to the clearing of any vessel.

And be it Enacted by the Authority aforesaid, that from and after the said first day of *January* next, the Master or Owner of any fishing or Coasting Vessel, of thirty tons or upwards, shall every six months pay unto the Naval Officer of the port where such Master or Owner may reside, a duty at the rate of *five pence* per annum, for each ton the said Vessel may measure, agreeably to the rules aforesaid; and if the Master or Owner of any such Coasting or fishing Vessel, shall refuse to pay as aforesaid, the said Naval Officer is hereby empowered and directed, within thirty days after such payment may become due, to sue for and recover the same, in any Court proper to try the same.

A duty at the rate of 5d. per annum, a ton, to be paid by the master or owner of every fishing vessel.

Provided nevertheless, that when any such Coasting or fishing Vessel may be employed in any voyages, other than coasting or fishing, so much of the annual duty shall be allowed by the said Naval Officer, as shall be in proportion to the time they may have thus been employed.

Proviso.

And be it further Enacted by the Authority aforesaid, that from and after the first day of *January* next, there shall be paid by the Master or Owner of any Vessel not wholly owned by some Citizen or Citizens of any of the United States, on an entry being made thereof at any Naval Office within this Commonwealth, *One shilling* for each and every ton, Carpenters measure, which the Vessel may measure, and no more.

A duty of 1s. per ton, on vessels not wholly owned by citizens of any of the United States.

Master or owner of every vessel, shall enter, upon their arrival, the full tonnage thereof.

And be it further Enacted by the Authority aforesaid, that the Master, or Owner of every Vessel, chargeable with the duties of Light money as aforesaid, shall upon her arrival in any port in this Commonwealth, enter with the Naval Officer of the port where the said Vessel may arrive, the full tonnage thereof, agreeably to the rules of Carpenters measurement; and the Naval Officer shall calculate the duties on such Vessel agreeably to such entry, unless he shall have any reason to believe that the said Master or Owner has made a short entry of her tonnage, in which case the said Naval Officer shall, and he is hereby impowered and directed, to cause the said Vessel to be measured by the rules of Carpenters measurement, and if the said Vessel shall be found to measure more tons than she is entered for, then, & in that case, the Owner or Master who entered the said Vessel, shall pay *three shillings* per ton, for each and every ton, she shall be entered short of her real measurement: & the said Naval Officers are hereby directed to give a Certificate to each person for the receipt of the duties by him paid as required by this Act.

Two per cent. allowed the naval officer.

Remainder shall be paid to the Treasurer.

Naval officers shall give bond.

And be it further Enacted by the authority aforesaid, that each Naval Officer shall be allowed *two per cent.* out of the duties he may collect as aforesaid, and the remainder thereof he shall every three months pay unto the Treasurer of this Commonwealth, & once in every year shall render unto the Treasurer aforesaid an account on oath of the monies so received, & make a settlement of the same; and the said Naval Officers shall each of them give bond to the Treasurer aforesaid, in the sum of *one thousand pounds*, for the faithful performance of the services required of them by this Act.

Duties arising, how appropriated.

Treasurer shall lay an account before the General Court once in every year.

And be it further Enacted by the authority aforesaid, that all monies arising from the aforesaid duties, shall be appropriated to, & kept in the Treasury, for the purpose of building, supporting, & maintaining the Light houses on the sea Coast of this Commonwealth, and no other, and that the same be drawn out of the Treasury for that purpose, by Warrant under the hand of the Governor, with the advice and consent of Council, as often as occasion may require; and the Treasurer is hereby directed once in every year, to lay before the General Court an account of the monies received for the said duties, with the expenditure of the same.

And be it further enacted by the authority aforesaid, that the persons, who are or may be appointed from time to time, to be Keepers of the Light houses on the sea Coast of this Commonwealth, shall carefully & diligently attend their duty at all times, in kindling & keeping burning the lights, from sun setting to sun rising, and placing them so as they may be most seen by Vessels coming in or going out; and upon conviction of neglect of their duty before the Court of General Sessions of the Peace within the County, shall be liable to be fined according to the degree or circumstance of the offence, not exceeding one hundred pounds, one third part thereof to the use of this Commonwealth, and the other two thirds to the person or persons who shall inform of such neglect; and shall be also liable to an action of damage brought by any person, who may suffer by such neglect, to be recovered in any Court proper to try the same.

Duty of Light
House Keepers.

Penalty for
neglect.

And be it further Enacted by the authority aforesaid, that from & after the first day of January, in the year of Our Lord One thousand seven hundred and Eighty eight, all the Acts heretofore made for the purpose of supporting & maintaining the Light houses on the sea Coast of this Commonwealth, shall cease to be of any force or validity, excepting for the recovery of any penalties, forfeitures or sums due, that have arisen by Virtue of either of the said Acts.

Laws heretofore
made, repealed.

November 21, 1787.

1787. — Chapter 32.

[October Session, ch. 17.]

AN ACT AUTHORIZING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO LICENCE THE SALE OF REAL ESTATE BY MARRIED WOMEN IN CERTAIN CASES, AND FOR OTHER PURPOSES IN THE ACT MENTIONED.

Chap. 32

Whereas it sometimes happens, that husbands absent themselves from this Commonwealth, & abandon their wives, not making sufficient provision for their support, who may be thereby reduced to great distress, not being able to make any valid contracts, or dispose of any estate of their own: For remedy whereof,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that in all such cases where any married man has heretofore, or may hereafter absent himself from this

Justices em-
powered to
licence the sale

of real estate by married women, in cases where husbands absent themselves.

Commonwealth, abandoning his wife & not making sufficient provision for her support or maintenance, the Justices of the Supreme Judicial Court are hereby authorized, at any of the terms of the said Court, upon the application of any such wife, to empower & enable her, during the absence of her husband from this Commonwealth, & no longer, in her own name, to make and execute any contract, either under seal or otherwise, and by deed to sell & convey any estate real or personal, of which at the time of such sale, she shall be seized or possessed in her own right, and to commence, prosecute, & defend any suit in Law or equity, to final judgment & execution, in the same manner, as fully, and to all intents & purposes, as if she was sole & unmarried; or the said Justices may grant to any such wife any or all the powers above described, according as they shall judge the circumstances of such wife shall require.

If such husbands return, remedy shall lie against them.

And be it further enacted by the authority aforesaid, that if any such husband should return into this Commonwealth, while any contract made by his wife, pursuant to the powers aforesaid, should remain undischarged, the same remedy shall lie against such husband, as if the contract had been made by her before the marriage, & no suit pending, wherein his wife shall be a party, pursuant to the said powers, shall abate by his return into this Commonwealth.

Notice of applications, shall be given.

And be it further enacted by the authority aforesaid, that when application shall be made by any wife for any or all of the powers aforesaid, the Justices of the said Court, shall previous to their granting any of the powers aforesaid, cause such public notice of the said application to be given, as by Law they are directed in case of any libel filed by any married woman for a Divorce.

November 21, 1787.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS;
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1787, AND FROM THENCE CON-
TINUED, BY ADJOURNMENT, TO WEDNESDAY, THE
TWENTY-SEVENTH DAY OF FEBRUARY FOLLOWING.

1787. — Chapter 33.

[February Session, ch. 1.]

AN ACT FOR THE PRESERVATION OF THE FISH CALLED ALE-
WIVES IN MATTAPOISET RIVER, IN ROCHESTER, IN THE
COUNTY OF PLYMOUTH, AND FOR THE REGULATING THE
TAKING THE SAID FISH, IN THE SAID RIVER.

Chap. 33

Whereas the Law which was heretofore made for the Preamble.
preservation of the fish called Alewives, in Mattapoiset
River, in the Town of Rochester, and for regulating the
taking the said fish, in the said River, has been found
insufficient to answer the said purposes.

Be it enacted by the Senate and House of Representa-
tives in General Court assembled, and by the authority of
the same, that the owner or owners of each & every mill
dam, on the said river, shall make, provide and continue
a sluice way of three feet wide, and eight inches deep, for
the said fish to pass their respective dams, as low as the
Selectmen of the said *Rochester*, shall judge convenient
for the said fish to pass in. And the Selectmen of the
said Town of *Rochester*, are hereby authorized on the
second Monday of *April* annually, to open the said sluice
ways, which when opened by them, shall remain open
until the twentieth day of *May* annually; and the owner
or owners of any dam on the said river, who shall neglect
or refuse to make, provide & continue a sluice way as
aforesaid, or that after such sluice way is opened as afore-

Sluice ways, to
be made, &c.

Sluice ways,
when to be
opened, &c.

said, shall shut or obstruct the same during the term the said sluice way is to be kept open as aforesaid, shall forfeit and pay the sum of *Forty Pounds* for each offence.

Town of
Rochester to
choose Inspect-
ors, annually.

Their duty.

And be it further enacted, that the said Town of *Rochester*, at their annual meeting for the choice of town Officers in the months of *March* or *April* annually, are hereby authorized to choose a Committee consisting of not more than twelve, nor less than two suitable discreet persons, for *inspectors* of the said River, whose duty it shall be within four days after their appointment, to post up in four public places in the said Town nearest the said River, a notification under their hands or the major part of them, pointing out the times when, and places where the said Fish may be taken in the said River; and if any person shall pull down or deface such notification, he or she shall for each offence forfeit and pay *ten shillings*; and if such Committee shall neglect or refuse to post up such notification within the said term of four days, such Committee shall forfeit and pay *ten shillings*; and any person who shall presume to take any of the said fish in the said River, except at the times and places appointed by the said committee as aforesaid, shall forfeit and pay *three pounds* for each offence.

Forfeitures for
making obstruc-
tions.

And be it further enacted, that if any person or persons, shall make any wears, or any other obstruction to hinder the passage of the said fish up the said River, each person so offending shall forfeit & pay the sum of *five pounds*; and any person, who shall take or catch any of the said fish in the said River, with any other instrument than a dip net, shall forfeit and pay *Four Pounds* for each offence.

Penalty, if any
person shall set
any seine, &c.

And be it further enacted, that if any person shall set or draw any sein, drag net or marsh net, in the said River, or within the following bounds of the harbour adjoining it, *viz.* beginning at the Southwestwardly end of the Island, owned by the rev^d Mr. *La Barron*, & from thence to the mouth of the creek which runs out of *Barlow's Pond*, (so called) from and after the tenth day of *April*, to the twentyeth day of *May* annually, each person so offending, shall forfeit and pay *Ten Pounds*.

Forfeitures,
how recovered,
&c.

And be it further enacted, that all the forfeitures mentioned in this Act, shall accrue to the said town of *Rochester*, to be recovered by the Treasurer of the said town in an action of debt in any Court proper to try the same, and no person shall be considered as disqualified from giving

evidence in any such action on account of his living in or being an inhabitant of the said Town of *Rochester*.

And be it further enacted, that the agreement made & entered into, between the said Town of *Rochester*, & the owners of the lower dam, on the said River, with regard to the premises, shall be good and valid in Law.

March 1, 1788.

1787. — Chapter 34.

[February Session, ch. 2.]

AN ACT FOR ANNEXING THAT PART OF THE TOWN OF SCITUATE, COMMONLY CALLED THE TWO MILE, TO THE TOWN OF MARSHFIELD.

Chap. 34

Whereas it appears to this Court convenient and reasonable, that the said Two Mile, should be set off from the Town of Scituate, and annexed to the town of Marshfield:

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the territory belonging to the Town of Scituate, commonly called the Two Mile, bounded westwardly by the North River, (so called) southwardly by the Town of Pembroke, and northwardly and eastwardly by the Town of Marshfield, together with the Inhabitants thereon, be, & they are hereby separated from the said Town of Scituate, and annexed to the Town of Marshfield; and shall forever hereafter be considered as a part of, & belonging to the said Town of Marshfield: Provided, that the Inhabitants of the said Two Mile be still held obliged to pay their proportion of all the taxes which have been already laid on the Town of Scituate; that the Inhabitants of the said Two Mile, shall be still held obliged to pay their rateable proportion of all debts due from the said Town of Scituate to Individuals, and which were contracted previously to the thirty first day of January, in the year of our Lord, one thousand seven hundred and eighty seven, in the same manner as if they had not been set off from the Town of Scituate, in case the same shall be apportioned by the Assessors of the Town of Scituate, on the polls and estates of the said territory called the Two Mile, according to law, within two years after the passing of this Act, and that the said Inhabitants be exempted from paying any part of the debts contracted by the Town of Marshfield, previously to the passing of this

Boundaries.

Proviso.

Act: Provided also, that the Inhabitants of the said *Two Mile*, relinquish all their right, title and interest in and to the common lands, of the Town of *Scituate*; and that the said Inhabitants shall not be included or charged in any future tax, for maintaining the poor of the Town of *Scituate*.

Future taxes,
how assessed.

And be it further enacted by the authority aforesaid, that in all future taxes granted by this Commonwealth, and assessed on the present valuation, the sum of *five shillings and six pence*, on each *thousand pounds*, be taken from the Town of *Scituate*, and added to the Town of *Marshfield*.

March 10, 1788.

1787. — Chapter 35.

[February Session, ch. 3.]

Chap. 35 AN ACT TO PREVENT THE DESTRUCTION OF FISH CALLED SHAD AND ALEWIVES, IN TEN AND THREE MILES RIVERS, IN THE COUNTY OF BRISTOL.

Preamble.

Whereas it is necessary for the preservation of the fish called Alewives, in their passage up the Rivers, called & known by the names of ten mile & three mile river, in the County of Bristol, that some further provision should be made for the said purpose:

Town to choose
a Committee
annually.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same, that the several Towns, through which the said *ten and three mile Rivers* run, shall be, & they hereby are impowered & directed, in the month of *March* or *April* annually, to chuse three or more persons in each town respectively, being freeholders within the same, as a Committee, who shall take an oath to the faithful discharge of his or their duty, & the said Committee or the major part of them shall have power to cause the natural course of the said streams through which the said fish pass, to be kept open, and without obstruction, and to remove all such obstructions as may be found therein, & to make the passage ways wider or deeper, if they shall find it necessary; and the Committee, or a major part of them, shall have authority for such purposes, to go on the land of any person, through which the said *ten & three mile rivers* run, without being considered as a trespassor or trespassors, and any person, who shall molest or hinder the said Committee or either

Their power.

of them in the execution of the business of his or their office, or who shall obstruct any passage way in the said Rivers, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine not exceeding the sum of *fifteen pounds*, nor less than *five pounds*.

And be it further Enacted, that the said Committee, or the major part of them, at any meeting by them duly notified, shall be, and hereby are authorized & impowered to open any dam or sluice way of any mill erected, or that may be erected on, over or across the said Rivers, at the expence of the owner or owners of such dam, provided such owner or owners shall neglect to open the same, when they are required by the said Committee, & the said dam or dams, or sluice way or ways, so opened, shall continue open to such depth & width, & for such length of time betwixt the first day of *April*, & last day of *May* annually, as the major part of the said Committee shall judge necessary; and in case any person or persons shall be found to obstruct the passage ways allowed or ordered by the said Committee in any dam or sluice, such person or persons so offending, shall forfeit and pay a fine, not exceeding the sum of *ten pounds*, nor less than *five pounds*.

Empowered to open any dam or sluice ways.

Proviso.

Penalty for obstructing passage ways.

And be it further Enacted, that all penalties incurred by a breach of this Act, may be sued for & recovered in any Court in the County of *Bristol*, proper to try the same, & all sums so recovered or forfeited by a breach of this act, shall be appropriated, one moiety thereof to the prosecutor or prosecutors, & the other moiety thereof to the use of the poor in such town where the offence is committed, & no person, by reason of his being one of the said Committee, or an inhabitant of either of the said towns, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

Penalties, how recovered, &c.

March 10, 1788.

1787.—Chapter 36.

[February Session, ch. 4.]

AN ACT GRANTING LIBERTY FOR TAKING THE FISH CALLED *Chap. 36*
MENHADEN, IN NEPONSET RIVER, WITH SEINS.

Whereas the public and individuals may derive great Preamble.
benefit by taking with seines the fish called Menhaden, in
Neponset River, after the first day of June, and without

any injury or obstruction to the fish called alewives, which have done running before that time:

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that any person or persons be hereafter permitted to take the fish called Menhaden, in Neponset River, with seines, after the first day of June in each year, during the remainder of the season for fishing; any law to the contrary notwithstanding.

March 10, 1788.

1787. — Chapter 37.

[February Session, ch. 5.]

Chap. 37 AN ACT EMPOWERING THE TOWN OF WEYMOUTH TO REGULATE AND ORDER THE TAKING AND DISPOSING OF THE FISH CALLED SHAD AND ALEWIVES, WITHIN THE LIMITS OF THAT TOWN.

Preamble.

Whereas the Town of Weymouth, in the County of Suffolk, hath been at considerable expence & charge, in purchasing and opening a passage for the Fish called Shad & Alewives, from the sea into the ponds called Whitman's Pond & Great Pond, being wholly within the bounds of the said Town, it is but reasonable and just, that the ordering of the taking of the said Fish, and the disposition of them when taken, should be wholly vested in the said Town:

And whereas an Act heretofore made for that purpose, has some time since expired: Therefore,

Be it Enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that it shall & may be lawful for the inhabitants of the said Town of Weymouth, at a meeting regularly assembled for that purpose, from time to time, & at all times hereafter, to determine & order how, in what manner, by whom, what place or places, time or times in the year, the said fish may be taken within the Town aforesaid, and shall cause a copy of such order, attested by the Town Clerk, to be posted up in some public place in the said Town, whereunto all persons shall conform with respect to the taking & disposing of the said Fish, on penalty, that the offender against the same, shall forfeit & pay a sum, not exceeding forty shillings, nor less than thirty shillings for each offence, at the discretion of the Justice before whom the same shall be tried:

Town of Weymouth, to determine and order the time, manner &c of taking fish.

Provided nevertheless, That the said Town of *Weymouth*, shall not give permission to, or authorize any person or persons, to take, kill, or haul ashore, any of the said fish, with seines or drag nets. And whoever shall at any time hereafter, presume to take, kill or haul ashore, any of the said fish with seines or drag nets, in either of the ponds aforementioned, or in *Weymouth* back river, so called, or in the River, Streams or Brooks, through which the said fish pass into the said ponds, or shall with seines or drag nets, or in any other way obstruct their passage to or from the said ponds, or either of them, in all and every of these cases, the offender shall for each offence, forfeit and pay the sum of *five pounds*.

Provided also, the said Town of *Weymouth* do appoint one or more meet person or persons to fish for, or otherwise supply for family use, the neighbouring Towns with the said fish, that may be taken at the fishing place or places appointed by the Said town, during the usual season, and give public notice, on or before the first day of *May* annually, of time, place, person or persons, by whom they are to be supplied, & for such fish so supplied & delivered, that the said town of *Weymouth*, or those employed by them, shall demand or receive no more than *one fifth* of a *dollar* per hundred for Alewives, & *twelve shillings* per hundred for Shad; & so in proportion for a greater or lesser quantity; & in case the person or persons appointed for the purpose aforesaid, shall neglect or refuse that service, upon application of any two or more persons aggrieved, to any two Justices in the neighbouring towns, such Justices may appoint one or more meet persons therefor, who shall be subject to the general order of the said Town of *Weymouth*, respecting the fishing aforesaid, and who shall give sufficient security, to the acceptance of the said Justices, to render and pay unto the Treasurer of the said town, or to such Committee as may be appointed by the said town, for taking care of the said fishery, the full produce of his or their fishing & supplies at the rates aforesaid, after a reasonable deduction made & allowed at the discretion of the said Justices, to such person or persons, for his or their time & labor therein.

And be it further Enacted, that the Treasurer of the said Town of *Weymouth*, may from time to time, sue for & recover all fines or forfeitures which may be incurred

Proviso.

Town of Weymouth, to appoint persons to fish for, and supply the neighbouring towns.

Forfeitures how recovered and applied.

by any breach of this Act, in any Court proper to try the same, & such forfeitures shall be to the use of the said town, saving where information shall be given, the informer, on conviction of the Offender, shall be intitled to one third part of the forfeitures; & no person shall be considered as disqualified from being an evidence on any tryal that may be had, pursuant to this Act, on account of his belonging to, or being an inhabitant of the said Town of *Weymouth*.

March 10, 1788.

1787. — Chapter 38.

[February Session, ch. 6.]

Chap. 38 AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWN OF *PORTLAND*, IN THE COUNTY OF *CUMBERLAND*, INTO A DISTINCT AND SEPERATE RELIGIOUS SOCIETY.

Preamble.

Whereas a number of the inhabitants of the town of Portland, belonging to the Parish or religious society, whereof the rev^d Thomas Smith, and Samuel Dean are pastors, have petitioned this Court to be incorporated, for the reasons expressed in their petition, and it appearing to this Court reasonable, that the prayer thereof should be granted:

Inhabitants incorporated.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that Joseph McLellan, Thomas Sandford, John Fox, Joseph Ingraham, John Bagley, John Thrasher, Abner Lowell, Joshua Robinson, Abner Bagley, Enoch Moody, Abraham Stevens, George Warren, Abijah Poole, John Dole, Nathaniel Morse, George Lowther, Thomas Cammet, Hugh McLellan, Daniel Tucker, William Moody, Stephen Tuckey, Appollos Cushing, Samuel Goodwin, James Jewett, Eliphalet Morse, junr. Daniel Cobb, Alexander Barr, Thomas Webster, Thomas Hopkins, John Scott, Benjamin Moody, Charles Hossack, Lemuel Weeks, Eliphalet Dean, John Emmons, Enoch Morse, William McLellan, Rowland Davis, James Deering, Henry Dinsdale, Moses Brazier, James Jordan, Josiah Tucker, Francis Chase, Abraham Beeman, Samuel Hodgkins, Joseph McLellan, junr. William Bond, Stephen Thomas, Wimond Bradbury, Daniel Mussey, John Baker, Caleb Aspinwall, William Jenks, Joseph Jewett, Jonathan Swett, William Brown, John Lowell, and Asa Plummer, the petitioners, & members of the said religious

society, together with their polls and estates, be, and hereby are incorporated into a religious society, by the name of the second parish in the town of *Portland*, with all the privileges, powers & immunities which any parish in this Commonwealth is intitled to by Law.

Provided nevertheless, That the said second society, shall pay to the rev^d *Thomas Smith*, one quarter part of the sum, that the first parish shall vote annually for his support, and the said *second parish* is hereby directed, and authorized, to assess and raise the same, in such way as they may hereafter see fit, & the said first parish is hereby discharged from assessing or paying of the said quarter part of the sum, that they shall so vote: provided also, that the said *second parish*, shall pay their full proportion of arrearages, heretofore assessed by the said first parish, and also quit their right to the parish property, reserving however to themselves, their pews in the meeting-house of the first Parish.

And be it further Enacted by the authority aforesaid, that *Daniel Davis*, esq^r be, & hereby is authorized to issue his warrant, directed to some principal member of the said society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble at some suitable time & place in the said town, to chuse such parish officers, as are by Law required to be chosen in the months of *March* or *April*, annually, & to transact all matters and things necessary to be done in the said society.

Proviso.

Daniel Davis,
Esq. to call a
meeting.

March 17, 1788.

1787. — Chapter 39.

[February Session, ch. 7.]

AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT IN ADDITION TO AN ACT, PROVIDING FOR THE PAYMENT OF COSTS IN CRIMINAL SUITS."

Chap. 39

Whereas in the aforesaid Acts, no provision is made for the payment of Costs that often necessarily arise in the prosecution of Criminal offenders:

Preamble.

Be it therefore Enacted by the Senate & House of Representatives, in General Court Assembled, & by the authority of the same, That in cases where costs have already arisen or may hereafter necessarily arise in the prosecution of Criminal offenders, & no provision has already been made by Law for the payment thereof; in every such case

Payment of
costs, provided.

the Justices of the several Courts of General Sessions of the Peace, in the respective Counties in this Commonwealth, may examine & allow accounts of such necessary costs as have arisen or may arise within their respective Counties, for Witnesses, officers & others concerned in such prosecution, as the case shall appear to require, not exceeding the fees that are or may by law be stated, except in cases otherwise provided for by Law. And such accounts when so allowed, shall be paid in the manner directed & ordered in the before recited Acts.

March 18, 1788.

1787.—Chapter 40.

[February Session, ch. 8.]

Chap. 40 AN ACT TO PREVENT NEGLECT IN SHERIFFS, SELECTMEN AND TOWN CLERKS RESPECTIVELY, IN NOT CALLING AND PRESIDING AT TOWN MEETINGS, RECEIVING AND RETURNING THE VOTES FOR GOVERNOR, LIEUTENANT GOVERNOR, SENATORS AND COUNSELLORS, AS IS POINTED OUT BY THE CONSTITUTION OF THIS COMMONWEALTH.

Preamble.

Whereas certain duties are by the Constitution of this Commonwealth required of the Sheriffs, Selectmen, & Town Clerks respectively, in calling & presiding at Town Meetings, for the choice of Governor, Lieutenant Governor, Senators & Counsellors, & in receiving and returning the Votes for such Officers into the Secretary's Office, but no penalty is by law provided, where the Sheriffs, Selectmen & town Clerks shall & do neglect or refuse to perform the duties respectively required of them by the Constitution :

Penalty for neglect of duty in Sheriffs.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, that the Sheriff of any County, who shall neglect or refuse to make seasonable return agreeably to the Constitution, into the Secretary's Office of this Commonwealth, of all such votes for Governor, Lieutenant Governor, Senators & Counsellors, as he shall receive, or shall otherwise neglect his duty in the premises, shall for each & every offence forfeit & pay the sum of fifty pounds.

Penalty for neglect in Selectmen and Town Clerks.

And be it further Enacted, that each and every Selectman & Town Clerk, who shall neglect & refuse to do & perform the several duties required of them by the Constitution, respecting the choice of Governor, Lieutenant Governor, Senators & Counsellors, and returning the

votes for the same, shall for each & every offence, forfeit and pay the sum of *ten pounds*.

And be it further Enacted by the Authority aforesaid, that it shall be the duty of the Attorney General to sue for, & recover all such fines & forfeitures as shall be incurred by a breach of this Act, for the use of this Commonwealth.

How recovered,
&c.

March 18, 1788.

1787. — Chapter 41.

[February Session, ch. 9.]

AN ACT FOR INCORPORATING A CONGREGATIONAL SOCIETY IN THE TOWN OF NEW SALEM, AND FOR REPEALING AN ACT HERETOFORE MADE FOR THAT PURPOSE. Chap. 41

Whereas an Act passed in the year of our Lord one thousand seven hundred and eighty two, intituled “An Act to incorporate the Committee of the Congregational Church and Society in the Town of New Salem, for certain purposes,” has been found inadequate for the purposes therein intended. Preamble.

And whereas the Members of the said Church, and the Inhabitants of the said Town, have supplicated this Court, that the said Act may be repealed, and have petitioned that the said Inhabitants may be incorporated into a Parish.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the said Act, and every Clause of the same, be, and is hereby repealed and declared null and void, and that all donations, subscriptions, and other securities, forming the fund of *Eight hundred pounds*, in the said Act specified, shall revert and be paid back to the respective subscribers and Donors, on condition nevertheless, that they and each of such subscribers and others, indebted to the said fund by specialtie, pay all interest due thereon, until the day of passing this Act, Former act repealed.

And be it further enacted by the authority aforesaid, that the Inhabitants of the said Town, not before set off and annexed to the east Parish of *Pelham*, be, and they hereby are incorporated into a Parish by the name of the Congregational Society, in the Town of *New Salem*, & hereby are invested with all the powers, privileges and immunities that Precincts or Parishes within this Commonwealth do or may enjoy. Society incorporated.

And that it may be known at any time, who of the Inhabitants of the said Town belong to the said Parish :

What inhabitants shall be deemed to belong to said society.

Be it enacted by the authority aforesaid, that all those inhabitants of the said town of *New Salem*, who usually attend public worship, with the aforesaid society, with whom the Reverend, *Joel Foster* now officiates, shall be deemed and taken to belong to the said Parish, to all intents and purposes, until they shall signify in writing under their hands to the Clerk of the said Town, their intention to attend public worship with some other religious Society.

Proviso.

Provided nevertheless, that all Parishoners so removing, shall signify the same as above, within two years from the date of this Act ; and shall be held to pay all arrears of taxes legally assessed on them by the said Parish before their removal.

Daniel Shaw, Esq. to call a meeting.

And be it further enacted by the authority aforesaid, that *Daniel Shaw*, Esquire be, & hereby is authorized and directed to issue his warrant within two months from the passing this Act, directed to some principal inhabitant belonging to the said Parish, requiring him to give notice to the inhabitants of the Parish aforesaid, qualified to vote in Parish affairs, to assemble at some suitable time and place in the said Parish, to choose all such Officers as Parishes are by Law required to choose annually, and to transact such other matters and business, as is necessary to be done in the said Parish.

March 18, 1788.

1787. — Chapter 42.

[February Session, ch. 10.]

Chap. 42 AN ACT IN ADDITION TO AND FOR EXPLAINING AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY SEVEN, INTITLED, "AN ACT FOR REGULATING THE PROCEEDINGS ON PROBATE BONDS, IN THE COURTS OF COMMON LAW; AND DIRECTING THEIR FORM IN THE SUPREME COURT OF PROBATE."

Preamble.

Whereas it is required by the aforesaid Act, that Guardians shall give bond to the Judge of Probate, with sufficient sureties for the faithful discharge of their trust; and in order to carry into effect the good purposes thereof, it is sufficient that such sureties shall be liable to satisfy the judgment which may be rendered upon such bond, so far only as the estate of the Guardian shall prove deficient, and it is unreasonable that sureties shall be compelled to satisfy

executions awarded upon judgments rendered upon such bonds, so long as the principal hath estate to satisfy the same, and it may tend to the great inconvenience of Guardians to procure sureties, and also to multiply law suits: Therefore

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that when any such bond shall be put in suit against any person as surety for a Guardian, and the Guardian shall not be a party to the suit, or that no service shall be made upon him, the surety who may be defendant, shall have a right at the Supreme Judicial Court to which the cause may be carried, to demand oyer of the bond sued; and upon the motion of the defendant the said Court shall order a notification to be issued (attested by the Clerk, and returnable to the said Court at the next term to be holden in the same County) to the Guardian, and if the defendant shall desire it, to the other surety, who hath subscribed the bond, to appear at the said Court, and to join with the said defendant in answering the said action, and the cause shall be continued to the next term of the said Court, to be holden in the same County, and if it shall appear by the return of the Sheriff or other proper Officer, that the person or persons, for whom the said notification was directed to issue, hath or have been duly served with an attested copy of the writ, and the notification, or otherwise by reading the same, fourteen days at least before the sitting of the Court to which the same is returnable, the person or persons so notified, shall be considered as defendant or defendants, and the same proceedings and judgment shall be had thereon, as though the said person or persons so notified, had been originally named in the writ and duly served therewith.

When bonds shall be put in suit against any person as surety for a guardian, &c.—proceedings in such cases.

And be it further enacted, that when execution shall be awarded upon any judgment which may be hereafter rendered upon such bond against a Guardian and his sureties, it shall be expressed in every such execution, that

is Guardian &

are sureties. And

it shall be lawful for such surety or sureties to shew to the Officer who may have the execution, any estate which may be lawfully taken belonging to such Guardian, to satisfy the same, in whole or in part; and in such cases the sureties shall not be chargeable with the payment of such

Manner of proceeding, when execution shall be awarded.

execution, unless the estate of the Guardian so shewn shall prove insufficient; and then only for the residue or sum which shall be deficient.

And in order that the estates of the said sureties may be held finally to respond the judgment as aforesaid:

Attachments —
how long to
continue in
force.

Be it further enacted, That all attachments upon the estates of such surety or sureties shall continue in force for the term of six months after judgment shall be rendered, unless the said judgment shall be sooner satisfied.

Sureties shall
not be held to
answer for fail-
ure in guardians
after the expira-
tion of the term
of their trust,
&c.

And whereas it is reasonable that sureties should not be held to answer for such Guardians for failure in their trust, after the expiration of the term of their trust, & of a convenient time for the adjustment and recovery of the sums due upon such bonds: Therefore

Be it further enacted, that no surety shall be held to answer to any action which shall be commenced against him, after the expiration of the term of two years from the time that the minor under the custody of such Guardian shall have arrived to full age, or that the term of such Guardianship shall have otherwise expired.

Proviso.

Provided nevertheless, and be it further enacted by the authority aforesaid, that in all cases where it shall be made to appear to the satisfaction of the Judge of Probate, that any such minor or minors are out of the Commonwealth at the time they shall arrive to the age of twenty one years; having no lawful agent or attorney to represent him or them (as the case may be) in every such case the Guardian or Guardians of such minors shall not be held to settle their accounts within the time limited by this Act, and the Judge of Probate is hereby empowered to allow such further time for settling the said accounts as he shall judge circumstances may require.

March 18, 1788.

1787. — Chapter 43.

[February Session, ch. 12.]

Chap. 43 AN ACT FOR INCORPORATING THE PLANTATION OF NEW WORCESTER, SO CALLED, OR No. 9, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF ORRINGTON.

Preamble.

Whereas the inhabitants of New Worcester, have represented to the General Court, that they labor under many inconveniences in their Present unincorporated state, and are desirous of being incorporated into a Town.

Be it Enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same, that the Plantation called *New Worcester*, & included within the boundaries hereafter described, together with the inhabitants thereof, be, & they are hereby incorporated into a Town by the name of *Orrington*, beginning on the east side of *Penobscot River*, at the north west corner of No. I, or *Buckstown*; thence runing on the north lines of the said No. I, and of Township No. VIII, north seventy degrees east, five miles and one hundred and eighty four rods; thence south forty eight degrees east, three miles; thence north forty two degrees east, six miles; thence north forty eight degrees west, six miles, on the south line of No. X, to *Penobscot River*; thence down the said *River*, to the bounds first mentioned, containing thirty seven thousand three hundred & seven acres, agreeably to a plan taken by Mr. *Barnabas Dodge*, reserving however three acres at the north west corner of the tract included in the above lines, which since the survey, has been set off to No. X, or Colonel *Eddy's* Township, for a landing place: & the said Town is hereby vested with all the powers, priviledges & immunities which other Towns in this Commonwealth by law do, or may enjoy.

Boundaries.

And be it further Enacted, that *Simeon Fowler*, Esqr. of the said place, be, and he hereby is empowered to issue his Warrant directed to some principal inhabitant of the said Town, requiring him to notify the inhabitants thereof, to meet at such time and place, as he shall therein appoint, to chuse all such Officers, as Towns are by law required to chuse at their annual town-meetings, in the month of *March* or *April*.

Simeon Fowler,
Esq. to call a
meeting.

March 21, 1788.

1787. — Chapter 44.

[February Session, ch. 13.]

AN ACT TO REVIVE AN ACT INTITLED "AN ACT, GRANTING CERTAIN PRIVILEGES TO THE PROPRIETORS OF THE SLITTING MILL, IN THE TOWN OF *TAUNTON*, IN THE COUNTY OF *BRISTOL*."

Chap. 44

Whereas the said Act expired on the second day of March instant, & it is expedient that the same should be revived:

Be it Enacted by the Senate & House of Representa-

tives in General Court assembled, and by the authority of the same, that the said Act, be, and the same is hereby revived, and shall continue in force, till further order of the General Court.

March 21, 1788.

1787. — Chapter 45.

[February Session, ch. 14.]

Chap. 45 AN ACT TO INCORPORATE THE INHABITANTS OF A PLANTATION KNOWN BY THE NAME OF *WEST BOWDOINHAM*, IN THE COUNTY OF *LINCOLN*, INTO A TOWN BY THE NAME OF *BOWDOIN*.

Boundaries.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the plantation of West Bowdoinham, beginning at the south west corner of Bowdoinham, and running west north west ten miles, then north north east, eight miles, then east south east ten miles to Bowdoinham line, and south south west, eight miles, to the first mentioned bounds, be, and hereby is incorporated into a town by the name of Bowdoin, with all the powers, privileges & immunities that Towns within this Commonwealth have or do enjoy.

John Merrill,
Esq. to call a
meeting.

And be it enacted by the authority aforesaid, that John Merrill, Esqr. be, and hereby is empowered to issue his warrant directed to some principal inhabitant of the Town of Bowdoin, qualified as the law directs, to assemble and meet at some suitable time and place in the said Town, and chuse such officer or officers as Towns by law are empowered to chuse at their annual meeting in the month of March or April.

March 21, 1788.

1787. — Chapter 46.

[February Session, ch. 15.]

Chap. 46 AN ACT TO ANNEX CERTAIN LAND HEREAFTER DESCRIBED, TO THE TOWN OF *CUMMINGTON*.

Be it enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, That the Gore of Land lately sold by the Commonwealth, of two thousand & two hundred acres, also a Grant known by the name of Murrayfield Grant, of twelve hundred acres, also a grant known by the name of Minot's Grant, containing three hundred acres, the said several

tracts include all the unincorporated Lands between the towns of *Chesterfield, Ashfield, Cummington & Goshen*, which lie on the Easterly end of, & are adjoining to *Cummington*, together with the inhabitants thereof, be, & hereby are annexed to the town of *Cummington*, & the said inhabitants shall do duty & receive privileges equal to other inhabitants of the said Town. *March 21, 1788.*

1787. — Chapter 47.

[February Session, ch. 16.]

AN ACT FOR SETTING OFF NATHANIEL KINGSBURY, AN INHABITANT OF THE FIRST PARISH IN DEDHAM, IN THE COUNTY OF SUFFOLK, AND ANNEXING HIM, AND HIS ESTATE, TO THE THIRD PARISH IN THE SAID DEDHAM.

Chap. 47

Whereas Nathaniel Kingsbury, living within the first Parish in Dedham, in the County of Suffolk, hath represented to this Court, that it is very inconvenient for him to attend the public worship of God in the said first Parish, and praying that he may be annexed to the third Parish in the said Dedham; & it appearing that the said Parishes have severally agreed thereto,

Preamble.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, that Nathaniel Kingsbury, & his estate, belonging to the said first Parish, be, and hereby is set off from the first Parish, and annexed to the third Parish in Dedham, and shall forever hereafter be considered as belonging to, & making part of the same.

Enacting clause.

March 21, 1788.

1787. — Chapter 48.

[February Session, ch. 11.]

AN ACT TO PREVENT THE SLAVE TRADE, AND FOR GRANTING RELIEF TO THE FAMILIES OF SUCH UNHAPPY PERSONS AS MAY BE KIDNAPPED OR DECOYED AWAY FROM THIS COMMONWEALTH.

Chap. 48

Whereas by the African trade for slaves, the lives & liberties of many innocent persons have been from time to time sacrificed to the lust of gain:

Preamble.

And whereas some persons residing in this Commonwealth may be so regardless of the rights of human kind, as to be concerned in that unrighteous commerce.

Penalty for importing or transporting, buying or selling slaves, &c.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that no Citizen of this Commonwealth, or other person residing within the same, shall for himself, or any other person whatsoever, either as master, factor, supercargo, owner or hirer, in whole or in part, of any vessel, directly or indirectly, import or transport, or buy or sell, or receive on board, his or their vessel, with intent to cause to be imported or transported, any of the inhabitants of any State or Kingdom, in that part of the world called *Africa*, as slaves, or as servants for term of years; and that every Citizen, inhabitant or resident as aforesaid, who shall directly or indirectly, receive on board his or their vessel with intent to import or transport, or cause to be imported or transported, any of the said inhabitants of *Africa*, contrary to the true intent and meaning of this Act, and be thereof lawfully convicted, shall forfeit and pay the sum of *Fifty Pounds*, for every person by him or them so received on board, with intent to be imported or transported; & the sum of *Two hundred pounds* for every vessel fitted out with intent to, & that actually shall be employed in the importation or transportation aforesaid, to be recovered by action of debt, in any Court within this Commonwealth, proper to try the same; the one moiety thereof to the use of this Commonwealth, & the other moiety to the person who shall prosecute for & recover the same.

Penalty for fitting out vessels for such purposes.

Insurance made upon vessels fitted out for the slave-trade, shall be void.

And it is further Enacted by the authority aforesaid, That all insurance which shall be made within this State, on any vessel fitted out with intention as aforesaid, & having on board slaves in order to be transported from *Africa* as aforesaid, or upon any slaves so shipped on board of any vessel for transportation, shall be void, & of no effect; and this Act, may be given in evidence under the general issue, in any suit or action commenced for the recovery of insurance so made.

Preamble.

And Whereas divers peaceable inhabitants of this Commonwealth, or residents therein, have been privately carried off by force, or decoyed away under various pretences, by evil minded persons, & with a probable intention of being sold as slaves without the same; and altho sufficient provision is made for public justice, in such case, by the common law, & an Act entitled, “An Act establishing the right to & the form of the writ *de homine*

replegiando," yet no provision is made for bringing actions for damages by the friends or families of any inhabitant who may be so carried off, or decoyed away during his or her life time :

Be it therefore Enacted by the authority aforesaid, that when any inhabitant or resident of this Commonwealth shall be so carried off or decoyed away, it shall be lawful for any friend of such injured inhabitant or resident, to bring forward & prosecute to final judgment & execution, before any Court of Law proper to try the same, any action for damages against any person concerned in decoying or carrying off such inhabitant or resident, in the name of such inhabitant or resident & in the same manner, & to the same effect, as if thereunto fully authorized by letter of attorney from such inhabitant or resident for that purpose.

Clause respecting such inhabitants, or residents, as may be kidnapped or decoyed away.

Provided nevertheless, such friend, prosecuting as aforesaid, shall first give to the Judge of Probate for the County wherein such injured party last dwelt, good & sufficient bond with sureties to the satisfaction of such Judge of Probate, conditioned that such prosecutor shall pay the monies that he may recover in damages as aforesaid, to the said injured party, on his or her return to this Commonwealth, if that shall happen by the time when such execution is satisfied, & if not, shall apply such monies to the use & maintenance of the wife, children or family of the injured party, in proportion, at such periods, & in such way & manner as the said Judge shall decree, best for the interest of such wife, children or family, in the absence of such injured party :

Proviso,

Provided also, And be it further Enacted, That in case the defendant who shall be prosecuted as is provided in & by this act, shall be acquitted by the Court before whom the trial may be, the said Court shall not only render up judgment for legal costs, but for such reasonable damages as the said defendant hath sustained by such prosecution :

Further proviso.

Provided also, that this Act do not extend to vessels which have already failed, their owners, factors, or commanders, for & during their present voyage, or to any insurance that shall have been made, previous to the passing of the same.

March 26, 1788.

1787. — Chapter 49.

[February Session, ch. 17.]

Chap. 49 AN ACT FOR ALTERING A CERTAIN CLAUSE IN AN ACT, INTITLED, "AN ACT TO PREVENT THE DESTRUCTION OF SALMON, SHAD AND ALEWIVES AND OTHER FISH, IN AGAWAM OR WEST-FIELD-RIVER."

Preamble.

Whereas by the said Act no person or persons are allowed to catch any Salmon, Shad or Alewives, with Seines, Nets, Pots, or in any other way within two miles of the entrance of the said River into Connecticut River, nor in Connecticut River, within half a mile south, or forty rods north of the mouth or entrance of the said Agawam into Connecticut River :

Clause altered.

Be it Enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, that the clause in the said Act, respecting catching fish in Connecticut River, be, and the same is hereby so far altered and repealed, as that any person or persons, may catch fish in Connecticut River, with Seines, Nets, Pots, or in any other way or place, excepting within one hundred rods directly south of the entrance of the said Agawam into Connecticut River; any thing in the said Act to the contrary notwithstanding. March 26, 1788.

1787. — Chapter 50.

[February Session, ch. 18.]

Chap. 50 AN ACT IN ADDITION TO AN ACT PASSED MARCH THE SIXTEENTH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY SIX, INTITLED, "AN ACT FOR THE CHOICE AND APPOINTMENT OF COLLECTORS OF RATES AND TAXES, AND FOR ASCERTAINING THEIR POWER AND DUTY."

Preamble.

Whereas it often happens that persons taxed in public and other assessments abscond, not having paid their rates and taxes, by which means the said taxes are frequently lost, and no provision being made in the said Act for remedy thereof.

Enacting clause.

Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that when any person duly taxed in any assessment as aforesaid, hath absconded or shall hereafter abscond, not having paid their rates and taxes, and hath concealed or shall conceal his goods & estates, in every such case the

Collectors and Constables to whom the said rates and taxes are committed to collect, shall have like remedy against their agents, factors or trustees, for the recovery of the same, as by the Laws of this Commonwealth, other creditors have for the recovery of their debts. *March 26, 1788.*

1787. — Chapter 51.

[February Session, ch. 19.]

AN ACT IN ADDITION TO AN ACT PASSED JULY SECOND, ONE THOUSAND SEVEN HUNDRED AND EIGHTY FIVE, ENTITLED, "AN ACT FOR REPEALING A LAW OF THIS COMMONWEALTH, ENTITLED, "AN ACT IMPOSING DUTIES ON LICENCED VELLUM, PARCHMENT AND PAPER, AND FOR IMPOSING OTHER DUTIES ON CERTAIN PAPERS, COMMISSIONS, INSTRUMENTS AND PROCESSES."

Chap. 51

Whereas by the said Act certain duties are laid on Policies of Insurance, Charter Parties, and Bills of Loading, but no sufficient provision has hitherto been made for enforcing the payment thereof: Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that from and after the first day of *May* next, every Policy of Insurance, Charter Party, and Bill of Loading, which shall not be signed by a Naval Officer as provided by law, shall be utterly void and of no effect whatever. And if any Insurance Officer or other person shall fill any Policy, or if any Master of any Vessel or any Person in his stead, shall sign any Bill of Loading, which Policy, Charter Party, or Bill of Loading shall not be previously signed by some one of the Naval Officers of this Commonwealth, each and every one thus offending, shall forfeit and pay a fine of *ten pounds*, for each offence, to be sued for and recovered by any citizen of this Commonwealth, in any Court proper to try the same; and two thirds of all fines, so recovered, shall be to the use of the prosecutor, the other third to the use of this Commonwealth, to be appropriated as hereafter directed.

Clause respecting policies of insurance, charter-parties, and bills of loading.

Be it further enacted, that all monies which have arisen or may arise by virtue of this Act, or the Act to which this is an addition, not already paid into the Treasury, shall be paid in specie.

Duties shall be paid in specie.

And be it enacted, that all monies arising from the duties imposed by the Act to which this is an addition, & from all penalties enuring to this Commonwealth, from a breach

How appropriated.

of the same, or from this Act, be and they are hereby appropriated to the payment of the Judges of the Supreme Judicial Court, so far as shall be necessary for that purpose.

Part of a former act, repealed.

And be it further enacted by the authority aforesaid, that so much of the said Act, to which this is an addition, which respects a duty on advertisements in News Papers, a duty on Writs and Executions, and a forfeiture of *six shillings* for not recording a deed within six months from the time of making the same, be and hereby is repealed.

Proviso.

Provided nevertheless, that the duties already incurred shall be paid within three months from the passing of this Act.

March 26, 1788.

1787. — Chapter 52.

[February Session, ch. 20.]

Chap. 52 AN ACT IN ADDITION TO, AND IN EXPLANATION OF AN ACT, ENTITLED "AN ACT TO INCORPORATE THE SOUTH PARISH OF THE TOWN OF BOLTON, TOGETHER WITH DAVID TAYLOR, SILAS CARLEY, JOB SPAFFORD AND JOHN BRIGHAM, INHABITANTS OF MARLBOROUGH, WITH THEIR ESTATES, INTO A DISTRICT BY THE NAME OF BERLIN."

Preamble.

Whereas previous to the incorporation of the District of Berlin, the inhabitants of the Town of Bolton, did by vote, agree among other things, that on the incorporation of the said Parish, that corporation should take their proportion of the poor that might lie on the Town of Bolton at the time of the said incorporation; and if it should so happen, that after such incorporation, any poor persons should be brought back to the same town for maintainance, they should be maintained by that part of the town, whereof they were inhabitants, when they removed from the same town; yet the Act for incorporating Berlin, hath not been made compleat provision in all cases respecting the said poor, and the suits and controversies that have and may hereafter happen concerning them: Therefore

District of Berlin shall be chargeable with their part of the expence of supporting the poor &c.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the District of Berlin, shall be chargeable, not only with their proportionable part of the expence of supporting the poor belonging to the said Town of Bolton, previous to the time when Berlin was incorporated, but also their proportionable part of all the expence of any suit or process which the Town of Bolton, have been put to, respecting any poor person who belonged to the said Town of Bolton previous to the time of the said incorpora-

tion. And if the said Town of *Bolton*, has been put to any expence, since the said incorporation, for the necessary support of any person. who, at the time of their last removal from *Bolton*, previous to the said incorporation, was an inhabitant in that part of the said Town of *Bolton*, that is now *Berlin*, the District of *Berlin* shall pay to the said Town of *Bolton* the said expence to which they have been so put.

Provided always, that all agreements heretofore made respecting the same poor, suits or processes, between the Town of *Bolton*, and the District of *Berlin*, or their agents or Committees, shall be deemed valid and binding according to the true purport and meaning of the same.

And be it further enacted by the authority aforesaid, that whenever hereafter, the Town of *Bolton*, or the overseers of the poor, or the Selectmen thereof, shall be served with any citation, notification or precept, to shew cause why any poor person shall not be removed to, or supported by the said Town of *Bolton*, or why the said Town of *Bolton*, shall not be charged with any expence respecting any poor person, which poor person, at the time of their last removal from *Bolton*, previous to the said incorporation, was an inhabitant in that part thereof, which is now *Berlin*, or which poor person descended from or was wife of any person, who, at the time of such removal from *Bolton*, was an inhabitant in the part thereof, last mentioned, the Selectmen or overseers of the poor, of the Town of *Bolton*, shall in forty eight hours after service made as aforesaid, by writing under their hands, give notice to the Selectmen or Overseers of the poor, of *Berlin*, of the said citation, notification or precept, and the contents thereof; and that by virtue of this Act, the District of *Berlin*, are to respond, if they see fit; and the said Selectmen or Overseers of the poor, of *Bolton*, shall certify & make return of the same, under oath, to the Justice or Court, before whom they are cited, to appear at or before the time of hearing, and thereupon the said District of *Berlin*, shall in all respects be considered as defendant or respondent, and shall respond or defend in the same manner as *Bolton* would have otherwise been considered, or would have been obliged to defend or respond; and all after proceedings shall be had accordingly; and the Town of *Bolton*, shall recover fees for the said notice & return, as officers have in case of service, and return of

Proviso.

When the town of Bolton shall be served with any citation, &c. selectmen or overseers to give notice thereof.

Writs, to be paid by the party against whom sentence may be given.

Proviso.

Provided nevertheless, that whenever the Selectmen or Overseers of the poor, of the District of *Berlin*, shall dispute their being holden to respond as aforesaid, they shall give notice thereof, to the Selectmen or Overseers of the poor, of *Bolton*, in forty eight hours after notice given to them as aforesaid, in which case the Court or Justice aforesaid, shall have full power to determine the same dispute, if in the course of the process it may be necessary to be determined; and any removal or adjudication touching the same, shall be had agreeably to the same determination. And the District of *Berlin* are hereby authorized, to commence, prosecute and defend any suit, process or complaint, respecting any poor person or persons, their wives or descendants, whose last remove from *Bolton*, previous to the said incorporation, was from that part thereof, which is now *Berlin*, in the same manner they might have done, had they been a corporation before such removal.

Clause respecting poor persons who removed previous to the incorporation.

And be it further enacted by the authority aforesaid, that if any person or persons, their wives or descendants, whose last remove from *Bolton*, previous to the same incorporation, was from that part of *Bolton*, which is now *Berlin*, and was not an inhabitant of *Bolton*, at the said time of incorporation, shall become poor, that in every such case the Town of *Bolton*, may proceed against, and charge the said District with the support and maintainance of such poor person or persons, their wives or descendants, in the same manner, as they might have done, if *Berlin* had been incorporated at the time of the removal last mentioned.

March 26, 1788.

1787. — Chapter 53.

[February Session, ch. 22.]

Chap. 53 AN ACT FOR REVIVING AND CONTINUING IN FORCE TWO LAWS OF THIS COMMONWEALTH, ONE PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX, ENTITLED, "AN ACT FOR SUSPENDING THE LAWS FOR THE COLLECTION OF PRIVATE DEBTS, UNDER CERTAIN LIMITATIONS," THE OTHER PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN, ENTITLED, "AN ACT FOR THE CONTINUANCE OF AND IN ADDITION TO AN ACT ENTITLED, AN ACT FOR SUSPENDING THE LAWS FOR THE COLLECTING OF PRIVATE DEBTS UNDER CERTAIN LIMITATIONS."

Preamble.

Whereas it is judged expedient that the two afore-recited acts, should be revived and continued in force:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the two afore recited acts and each and every clause thereof, be and hereby are revived, and shall continue in force until the third Wednesday of June next, and no longer. Enacting clause.

Provided notwithstanding, And be it further enacted by the authority aforesaid, that this Act shall not be construed to extend to any debts which shall be contracted after the passing of this Act. Proviso.
 March 26, 1788.

1787.—Chapter 54.

[February Session, ch. 21.]

AN ACT FOR SUPPRESSING AND PUNISHING OF ROGUES, VAGABONDS, COMMON BEGGARS, AND OTHER IDLE, DISORDERLY AND LEWD PERSONS. Chap. 54

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that there shall be erected, built or otherwise provided by the Court of general sessions of the Peace, in every County within this Commonwealth, at the charge of such County, a fit & convenient house or houses of correction (where such house is not already provided) with convenient accomodations thereunto adjoining and belonging; to be used & employed, for the keeping, correcting & setting to work of rogues, vagabonds, common beggars, & other idle, disorderly & lewd persons. Houses of correction to be provided.

And until such house or houses of correction be erected, built, or otherwise provided, the common prison in each County, may be made use of for that purpose.

And be it further enacted by the authority aforesaid, that the Court of general sessions of the Peace in each County, may nominate and appoint at their will & pleasure, a suitable person to be master of such house of correction And also to make, ordain & establish such rules & orders as may be necessary, (not repugnant to the Laws of this Commonwealth) for the ruling, governing & punishing of such persons as may be there committed; & such rules and orders by them made, shall be in force & put in execution. And any Justice of the peace, as well as the Court of Sessions, may send & commit unto the said house, to be kept & governed according to the rules Court of Sessions to appoint masters of such houses, and establish rules, &c.

and orders thereof, all rogues, vagabonds & idle persons, going about in any town or place in the County, begging ; or persons using any subtle craft, juggling or unlawful games or plays, or feigning themselves to have knowledge in physiognomy, palmestry, or pretending that they can tell destinies or fortunes, or discover where lost or stolen goods may be found ; common pipers fiddlers, runaways, stubborn servants or children, common drunkards, common night walkers, pilferers, wanton & lascivious persons, in speech, conduct or behaviour ; common railers or brawlers, such as neglect their callings or employment, mispend what they earn, & do not provide for themselves or the support of their families, upon conviction of any of the offences or disorders aforesaid, complaint thereof having been made in writing.

Power and
authority of
such masters.

And be it enacted by the authority aforesaid, that the master of such house of correction to be appointed as aforesaid, shall have power & authority, & shall set all such rogues, vagabonds, beggars, & other lewd, idle and disorderly persons as aforesaid, that shall be duly sent or committed unto his custody, to work & labour (if they be able) for such time as they shall continue & remain in the said house ; & to punish them by putting shackles or fetters upon them ; & also from time to time, in case they be stubborn, disorderly, idle or refractory, & do not perform their tasks, & in good condition, according as they shall be reasonably stinted, or to abridge them of their food, as the case shall require, until they be reduced to better order.

Persons com-
mitted to houses
of correction,
shall be pro-
vided with suit-
able materials to
keep them to
work.

And be it further enacted by the authority aforesaid, that when any person shall be committed to the said house, the Selectmen of the town to which he or she belongs (if within the Government) shall at the town's expence, provide suitable materials & such as shall be convenient & necessary to keep the person thus committed, to work during his or her continuing there, & deliver the same to the master or keeper of the house for that purpose. And when any stubborn children or servants under the immediate care & government of parents or masters, shall be committed to the said house, the parent or master (if able) shall take care & provide such things as may be necessary to keep him or her to work & labour during his or her abode in the said house. And the persons committed shall be allowed two third parts only of

what they earn, & the residue shall be to the use of the master or keeper of the house; unless such persons are masters or heads of families, then the whole profit of their labour, or so much thereof as the Court of Sessions shall order, shall be for the relief & support of such persons & their families. And if any person committed as aforesaid, shall be unable to work, or be weak & sick, or the profits of whose work shall not be sufficient for supporting him or her, then to be comfortably provided for & taken care of by the master of the same house, who shall be reimbursed the same by the parent, master, town, or the Government, who are by Law obliged to maintain & support such persons when unable to support themselves, as the case may require.

And be it further enacted by the authority aforesaid, that the master of the said house of correction shall for his care, labour & service in looking after the several persons that shall from time to time be committed to his care & custody, over & above one third part of their net earnings, have such reasonable allowance made him as the Justices in Session shall order & direct, to be paid him by the parent or master of such as are under their immediate care & custody, otherwise by the Town to which such persons belong, if within this Government, or at the charge of the Government if they belong to no particular town within it. And the master or keeper of every such house, shall keep an exact account of all profits & earnings that shall arise from the labour of all such as shall be committed unto his care & custody, as well as the particular time of their commitment & liberation, & present the same account (upon oath if required,) unto the Justices of the Peace, for the same County, annually, & also whenever he shall by them be thereunto directed, and in default thereof may be amerced by the said Justices in their Sessions, not exceeding *One hundred pounds*.

Masters of such houses shall have a reasonable allowance for their service, &c.

Provided nevertheless, that whenever any person committed as aforesaid, shall apply to the master of the said house, for a discharge therefrom, the said Master shall signify the same to the overseers of the poor of the town in which such house of correction shall be, or to the *Overseers* of the *Poor* of such town as the person so committed shall belong to, & the major part of either of the overseers of the poor aforesaid, upon its being made to appear to them that the ends of such commitment have been

Proviso, when any person shall apply for a discharge from such house.

answered, are hereby empowered to issue their order to the master of such house of correction to discharge the said person from his or her said confinement, the charges arising therefrom being first paid in manner as is herein before provided, & the said master is hereby required to discharge him or her accordingly.

No African or negro, not a citizen of one of the United States shall be suffered to tarry within this Commonwealth.

Be it further Enacted by the authority aforesaid, that no person being an African or Negroe, other than a subject of the Emperor of *Morocco*, or a citizen of some one of the United States; to be evidenced by a certificate from the Secretary of the State of which he shall be a citizen, shall tarry within this Commonwealth, for a longer time than two months, & upon complaint made to any Justice of the Peace within this Commonwealth, that any such person has been within the same more than two months, the said Justice shall order the said person to depart out of this Commonwealth, & in case that the said African or Negroe shall not depart as aforesaid, any Justice of the Peace within this Commonwealth, upon complaint & proof made that such person has continued within this Commonwealth ten days after notice given him or her to depart as aforesaid, shall commit the said person to any house of correction within the County, there to be kept to hard labour agreeably to the rules & orders of the said house, until the sessions of the peace, next to be holden within & for the said County; and the master of the said house of correction is hereby required & directed to transmit an attested copy of the warrant of commitment to the said Court, on the first day of their said Session, & if upon trial at the said Court, it shall be made to appear that the said person has thus continued within the Commonwealth contrary to the tenor of this Act, he or she shall be whipped not exceeding ten stripes, and ordered to depart out of this Commonwealth within ten days; and if he or she shall not so depart, the same process shall be had and punishment inflicted, and so *toties quoties*.

March 26, 1788.

1787. — Chapter 55.

[February Session, ch. 23.]

Chap. 55 AN ACT FOR DIVIDING THE COUNTY OF *LINCOLN*, INTO THREE DISTRICTS, AND FOR ESTABLISHING A REGISTRY OF DEEDS AND COURT OF PROBATE, IN THE MIDDLE DISTRICT.

Preamble.

Whereas the inhabitants of that part of the County of Lincoln, which borders upon Penobscot River, and extends

as far eastward as Gouldsborough, are put to great difficulty in getting their conveyances of real estates properly recorded, and in effecting the settlement of the estates of deceased persons among them, by reasons of great distance they have to travel to accomplish the same:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same, that the present County of *Lincoln*, be divided into three Districts: That the divisional line between the first and middle District, begin near *Owls head* in *Penobscot bay*, at the boundary between the Town of *Thomastown* and the Town of *Camden*; thence running north-westerly by the east line of *Thomastown*, *Warren* and *Union*, to the northeast corner of *Union*; thence north twenty two degrees and one half of a degree east until it intersects the north line of the *Waldo Patent*; thence north to the *Highlands*. That the divisional line between the middle & eastern Districts, begin at the bounds making the north east corner of *Gouldsborough*, and Southeast corner of Township Number Seven; thence running north-erly by the east line of Number Seven, and the east line of Number Ten, to the south east corner of Township Number Sixteen; from thence due north to the *highlands*; each District to include all the Islands, lying in front thereof, & within lines drawn due south from the boundaries aforesaid, at *Thomastown* and *Gouldsborough*, into the Sea.

Divisional lines.

And be it further enacted, That a Register of Deeds be appointed in manner provided by law within & for the middle District, whose office shall be holden at *Penobscot*, and in order thereto, the Selectmen of the several Towns within the said District, which now are, or may be incorporated before the first day of *August* next, are hereby impowered and directed to call a meeting of the inhabitants of their respective Towns, qualified as the law directs, to meet in the said Towns some time in the month of *August* next, for the purpose of choosing a Register of Deeds, for the said District.

Register of deeds to be appointed for the middle district.

And be it further enacted, that each of the Clerks of the Towns aforesaid shall as soon as may be after the said meetings and elections, respectively make return on oath to the Court of General Sessions of the Peace next to be holden at *Waldoborough* within & for the County of *Lincoln*, of the names of the persons voted for, with the Number of Votes each person had, set against their Names respectively, and the said Court of Sessions shall examine

Town-Clerks to return the names &c of the persons voted for, to the Court of Sessions.

the said returns, and declare the choice of the said Register in manner provided by law.

Power and duty of such Register, when elected.

And be it further enacted, that the said Register, when elected, shall be and he hereby is required & impowered to do and perform all those things which other Registers of deeds are by law required & empowered to do and perform; & the records of any deeds of conveyance of lands or other real estate, lying within the said District, which after the first day of *November* next, shall be made by any other than the said Register, shall be void and of no effect; And the said Register shall be entitled to demand and receive all such fees in the execution of his office, as Registers of deeds are by law entitled to receive.

Court of Probate to be held within the said district, & Judge and Register to be appointed.

And be it further enacted by the authority aforesaid, that a Court of Probate shall be held within the said District, and that some suitable persons be appointed in the manner the Constitution directs, for Judge and Register of the said Court, who from and after the first day of *September* next, shall have power & authority to do and perform all the business which Judges and Registers of Probate by the law of this Commonwealth “for establishing Courts of Probate,” have power and authority to do and perform.

Probate of wills, &c. not made by the judge, shall be void.

And be it enacted, That all Probate of Wills and Letters of administration granted upon the estates of persons (who at the time of their decease belonged within the said District) after the said first day of *September* next, other than such as shall be done and made by the said Judge who shall be appointed as aforesaid, shall be void and of no effect.

March 27, 1788.

1787. — Chapter 56.*

[February Session.]

Chap. 56 AN ACT, FOR APPORTIONING AND ASSESSING A TAX OF SIXTY FIVE THOUSAND POUNDS FOUR SHILLINGS, TO ANSWER THE EXIGENCES OF GOVERNMENT; AND ALSO THIRTEEN THOUSAND TWO HUNDRED AND SIXTY TWO POUNDS, AND ONE SHILLING, TO REPLACE THE SAME SUM, DRAWN OUT OF THE TREASURY, TO PAY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, FOR THEIR ATTENDANCE THE SEVEN LAST SESSIONS OF THE GENERAL COURT; ALSO A FURTHER SUM OF THIRTY POUNDS, SET TO THE TOWN OF BOWDOIN, AND THE SUM OF NINETY FOUR POUNDS, FIFTEEN SHILLINGS AND TEN PENCE, SET ON THE LANDS OF THE HEIRS AND ASSIGNS OF THE LATE BRIGADIER WALDO.

Whereas it is become necessary, in order to answer the exigences of Government, that the Treasury of this Com-

* Not printed in session pamphlet.

monwealth, should be supplied with the Sum of *Sixty five thousand pounds, four shillings*:

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same, that each Town, District, Plantation, & other place within this Commonwealth, shall be assessed and pay the several Sums with which they stand respectively charged in the following Schedule, Viz.

COUNTY OF SUFFOLK.

	Representa- tives pay.	Proportion of £.65,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
BOSTON,	514 3 0	4366 19 8	Four thousand Eight hundred & eighty one pounds, two shillings & eight pence	4881 2 8
Rochbury,	120 15 0	563 6 8	Six hundred & Eighty four pounds one shilling & eight pence	684 1 8
Dorchester,	79 9 0	464 19 1	Five hundred & forty four pounds eight shillings & one penny	544 8 1
Milton,	23 2 0	245 12 11	Two hundred & sixty eight pounds fourteen shillings & eleven pence	268 14 11
Brantree,	73 17 0	577 2 11	Six hundred & fifty pounds nineteen shillings & eleven pence	650 19 11
Weymouth,	24 3 0	262 15 6	Two hundred and eighty six pounds eighteen shillings and six pence	286 18 6
Hingham,	65 16 0	378 5 9	Four hundred & forty four pounds one shilling & nine pence	444 1 9
Cohasset,	23 9 0	135 13 9	One hundred & fifty nine pounds two shillings & nine pence	159 2 9
Brookline,	45 17 0	180 2 1	Two hundred & twenty five pounds nineteen shillings & one penny	225 19 1
Dedham,	48 0 0	349 4 9	Three hundred & ninety seven pounds four shillings & nine pence	397 4 9
Needham,	28 7 0	194 2 5	Two hundred & twenty two pounds nine shillings & five pence	222 9 5
Medfield,	15 15 0	156 2 8	One hundred and seventy one pounds seventeen shillings and eight pence	171 17 8
Stoughton,	79 2 0	375 10 3	Four hundred & fifty four pounds twelve shillings & three pence	454 12 3
Wrentham,	76 13 0	266 10 0	Three hundred & forty three pounds three shillings	343 3 0
Walpole,	50 8 0	160 17 6	Two hundred & eleven pounds five shillings & six pence	211 5 6
Sharon,	42 14 0	160 8 0	Two hundred & three pounds two shillings	203 2 0
Franklin,	39 11 0	196 16 7	Two hundred & thirty six pounds seven shillings & seven pence	236 7 7
Medway,	14 - -	187 5 7	Two hundred & one pounds five shillings & seven pence	201 5 7
Bellingham,	19 12 0	109 17 10	One hundred & twenty nine pounds, nine shillings & ten pence	129 9 10
Foxboro',	12 12 0	85 17 1	Ninety eight pounds nine shillings & one penny	98 9 1
Chelsea,	12 12 0	136 7 4	One hundred & forty eight pounds nineteen shillings & four pence	148 19 4
Hull,	18 17 0	28 19 7	Twenty eight pounds nineteen shillings & seven pence	28 19 7
Dover,	1428 14 0	104 12 2	One hundred & twenty three pounds nine shillings & two pence	123 9 2
			Eleven thousand one hundred & sixteen pounds four shillings & one penny	11116 4 1

COUNTY OF ESSEX.

	£. s. d.	£. s. d.	£. s. d.		£. s. d.		
Salton, . . .	236	12	0	One thousand four hundred & eighty nine pounds fourteen shillings & eleven pence	1489	14	11
Danvers, . . .	73	3	0	Five hundred & thirty nine pounds eighteen shillings & seven pence	539	18	7
Newbury, . . .	82	5	0	Seven hundred & sixty six pounds eight shillings & ten pence	766	8	10
Newburyport, . . .	159	5	0	One thousand & eighty five pounds nineteen shillings & six pence	1085	19	6
Beverly, . . .	120	15	0	Six hundred & seventy seven pounds, two shillings & two pence	677	2	2
Ispsich, . . .	153	4	—	Nine hundred & five pounds twelve shillings & eight pence	905	12	8
Marblehead, . . .	98	14	—	Five hundred and ninety pounds fourteen shillings & nine pence	590	14	9
Gloucester, . . .	45	17	—	Five hundred and twelve pounds four shillings & six pence	512	4	6
Lynn, . . .	74	10	0	Three hundred & ninety three pounds ten shillings & ten pence	393	10	10
Lynnfield, . . .	20	—	—	One hundred & five pounds eleven shillings & eight pence	105	11	8
Audover, . . .	81	18	—	Six hundred & eighty nine pounds eleven shillings & eight pence	689	11	8
Roxley, . . .	70	14	0	Four hundred & twenty seven pounds seventeen shillings & two pence	427	17	2
Topsheld, . . .	57	8	—	Two hundred & forty two pounds & ten pence	242	0	10
Haverhill, . . .	81	4	—	Four hundred & eighty four pounds four shillings	484	4	0
Salisbury, . . .	77	—	—	Three hundred & sixty nine pounds eleven shillings & four pence	369	11	4
Alnshury, . . .	53	4	—	Three hundred & twenty five pounds eighteen shillings & seven pence	325	18	7
Buxford, . . .	67	18	—	Two hundred & eighty six pounds eighteen shillings & nine pence	286	18	9
Bradford, . . .	68	12	—	Three hundred & twenty-seven pounds four shillings & eleven pence	327	4	11
Methuen, . . .	65	2	—	Two hundred & eighty three pounds two shillings & five pence	283	2	5
Wenham, . . .	97	19	6	Ninety seven pounds nineteen shillings & six pence	97	19	6
Manchester, . . .	85	6	3	Eighty five pounds six shillings & three pence	85	6	3
Middleton, . . .	141	4	10	One hundred & forty one pounds four shillings & ten pence	141	4	10
	1692	5	0	Ten thousand eight hundred & twenty seven pounds eighteen shillings & eight pence	10827	18	8

COUNTY OF MIDDLESEX.

	£.	s.	d.		£.	s.	d.		
Charlston,	•	22	8	—	Two hundred & forty three pounds eight shillings	•	243	8	0
Cambridge,	•	44	2	—	Five hundred & fifteen pounds twelve shillings & five pence	•	515	12	5
Watertown,	•	79	16	—	Two hundred & ninety one pounds seventeen shillings & three pence	•	291	17	3

COUNTY OF MIDDLESEX—CONCLUDED.

	Representatives Pay.	Proportion of £ 65,000.		Total.
	£ s. d.	£. s. d.		£. s. d.
Woburn, .	71 8 -	318 15 5	Three hundred & ninety pounds three shillings & five pence .	390 3 5
Concord, .	58 2 -	277 6 8	Three hundred & thirty five pounds eight shillings & eight pence .	335 8 8
Newton, .	19 19 -	281 2 6	Three hundred & one pounds one shilling & six pence .	301 1 6
Reading, .	80 17 -	369 11 3	Three hundred & ninety pounds eight shillings & three pence .	390 8 3
Marlboro', .	75 12 -	334 4 2	Four hundred & nine pounds sixteen shillings & two pence .	409 16 2
Billerica, .	34 6 -	227 15 5	Two hundred & sixty two pounds one shilling & five pence .	262 1 5
Framingham, .	76 13 -	285 14 7	Three hundred & sixty two pounds seven shillings & seven pence .	362 7 7
Lexington, .	79 16 -	178 9 7	Two hundred & fifty eight pounds five shillings & seven pence .	258 5 7
Chelmsford, .	77 7 -	217 9 7	Two hundred & ninety four pounds sixteen shillings & seven pence .	294 16 7
Sherburne, .	42 7 -	161 2 11	Two hundred & three pounds nine shillings & eleven pence .	203 9 11
Sudbury, .	82 5 -	220 3 9	Three hundred & two pounds eight shillings .	302 8 0
Malde v., .	69 6 -	165 4 2	Two hundred & thirty four pounds ten shillings & two pence .	234 10 2
Weston, .	78 8 -	179 11 3	Two hundred & fifty seven pounds nineteen shillings & three pence .	257 19 3
Medford, .	72 16 -	220 3 9	Two hundred & ninety two pounds nineteen shillings & nine pence .	292 19 9
Hopkinton, .	60 4 -	193 2 1	Two hundred & fifty three pounds six shillings & one penny .	253 6 1
Westford, .	39 4 -	205 16 8	Two hundred & forty five pounds & eight pence .	245 0 8
Stow, .	20 9 -	140 5 10	One hundred & sixty pounds fourteen shillings & ten pence .	160 14 10
Borboro', .	10 -	65 10 10	Seventy five pounds ten shillings & ten pence .	75 10 10
Groton, .	20 13 -	318 10 -	Three hundred & thirty nine pounds three shillings .	389 3 -
Sharley, .	40 5 -	166 11 3	Ninety pounds nine shillings & two pence .	90 9 2
Pepperell, .	72 2 -	199 6 8	Two hundred & six pounds sixteen shillings & three pence .	206 16 3
Waltham, .	41 13 -	125 13 4	Two hundred & seventy one pounds eight shillings & eight pence .	271 8 8
Townsend, .	17 17 -	121 2 11	One hundred & sixty seven pounds six shillings & four pence .	167 6 4
Dracut, .	20 6 -	128 12 11	One hundred & seventy eight pounds nineteen shillings & eleven pence .	178 19 11
Bedford, .	19 12 -	172 5 -	One hundred & forty eight pounds eighteen shillings and eleven pence .	148 18 11
Holliston, .	20 -	129 9 2	One hundred & ninety one pounds seventeen shillings .	191 17 -
Acton, .	21 -	139 15 -	One hundred & forty nine pounds nine shillings & two pence .	149 9 2
Dunstable, .	32 11 -	108 17 6	One hundred & thirty nine pounds fifteen shillings .	139 15 -
Lincoln, .			One hundred & fifty eight pounds eleven shillings & eight pence .	158 11 8
Wilmington, .			One hundred & forty one pounds eight shillings & six pence .	141 8 6

<i>Teakshury,</i>	27	13	—	140	5	10	One hundred & sixty seven pounds eighteen shillings & ten pence	167	18	10
<i>Littleton,</i>	38	10	—	151	2	6	One hundred & eighty nine pounds twelve shillings & six pence	189	12	6
<i>Asby,</i>	•	•	•	83	8	4	Eighty three pounds eight shillings & four pence	83	8	4
<i>Natrick,</i>	•	•	•	104	17	7	One hundred & four pounds seventeen shillings & seven pence	104	17	7
<i>Carlisle,</i>	•	•	•	98	17	1	One hundred & thirteen pounds seventeen shillings & one penny	113	17	1
<i>Stonham,</i>	•	•	•	70	2	11	Seventy pounds two shillings & eleven pence	70	2	11
<i>East Sudbury,</i>	62	6	—	162	4	7	Two hundred twenty four pounds ten shillings & seven pence	224	10	7
	645	14	0	7575	5	6	Nine Thousand two hundred & twenty pounds nineteen shillings & six pence	9220	19	6

COUNTY OF HAMPSHIRE.

	£.	s.	d.	£.	s.	d.		£.	s.	d.
<i>Springfield,</i>	82	5	0	260	17	7	Three hundred & forty three pounds, two shillings & seven pence	343	2	7
<i>Longmeadow,</i>	73	10	0	114	15	4	One hundred & eighty eight pounds, five shillings & four pence	188	5	4
<i>West Springfield,</i>	38	17	0	352	8	5	Three hundred & ninety one pounds, five shillings & five pence	391	5	5
<i>Wilbraham,</i>	69	6	0	197	3	4	Two hundred & sixty six pounds, nine shillings & four pence	266	9	4
<i>Northampton,</i>	58	9	0	298	17	4	Three hundred & sixty seven pounds, six shillings & four pence	357	6	4
<i>Southampton,</i>	31	3	0	111	7	7	One hundred & fifty seven pounds, ten shillings & seven pence	132	10	7
<i>Hadley,</i>	34	13	0	171	6	0	Two hundred & forty two pounds, nineteen shillings	205	19	0
<i>South Hadley,</i>	52	10	0	116	10	6	Two hundred & sixty nine pounds & six pence	169	0	6
<i>Amherst,</i>	37	16	0	178	16	4	Two hundred & sixteen pounds, twelve shillings & four pence	216	12	4
<i>Grubby,</i>	12	12	0	91	4	1	One hundred & three pounds, sixteen shillings, & one penny	103	16	1
<i>Hadfield,</i>	47	9	0	162	18	1	Two hundred & ten pounds, seven shillings, & one penny	210	7	1
<i>Whately,</i>	24	3	0	86	14	8	One hundred & ten pounds, seventeen shillings, & eight pence	110	17	8
<i>Williamsbrough,</i>	61	12	0	94	9	1	One hundred & fifty six pounds, one shilling & one penny	136	1	1
<i>Westfield,</i>	79	19	0	264	13	5	Three hundred & forty four pounds, twelve shillings, & five pence	344	12	5
<i>Deerfield,</i>	52	3	0	224	19	11	Two hundred & seventy seven pounds, two shillings & eleven pence	277	2	11
<i>Greenfield,</i>	36	15	0	172	5	0	Two hundred & nine pounds	209	0	0
<i>Shelburne,</i>	32	4	0	117	0	0	Two hundred & nine pounds four shillings	149	4	0
<i>Conway,</i>	75	19	0	202	11	8	Two hundred & seventy eight pounds, ten shillings & eight pence	278	10	8
<i>Sunderland,</i>	22	8	0	84	1	10	One hundred & six pounds, nine shillings & ten pence	106	9	10
<i>Montague,</i>	19	5	0	111	13	0	One hundred & thirty pounds, eighteen shillings	130	18	0
<i>Northfield,</i>	46	11	0	131	13	10	One hundred & seventy eight pounds, four shillings & ten pence	178	4	10

COUNTY OF HAMPSHIRE — CONCLUDED.

	Representa- tives pay.	Proportion of £.65,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Brimfield, . . .	68 5 0	208 14 11	Two hundred & seventy six pounds, nineteen shillings & eleven pence	276 19 11
South Brimfield, . . .	8 0 0	71 12 9	Seventy nine pounds, twelve shillings & nine pence	79 12 9
Monson, . . .	48 13 0	127 11 3	One hundred & seventy six pounds four shillings & three pence	176 4 3
Palham, . . .	26 19 0	131 4 4	One hundred & fifty eight pounds, three shillings & four pence	158 3 4
Greenwich, . . .	34 13 0	123 10 0	One hundred & fifty eight pounds, three shillings	158 3 0
Blanford, . . .	29 1 0	180 12 11	Two hundred & nine pounds, thirteen shillings, & eleven pence	209 13 11
Palmer, . . .	41 13 0	111 17 1	One hundred & fifty three pounds, ten shillings, & one penny	153 10 1
Granville, . . .	56 0 0	241 6 3	Two hundred & ninety seven pounds, six shillings, & three pence	297 6 3
New Salern, . . .	54 19 0	159 15 10	Two hundred & fourteen pounds, fourteen shillings, & ten pence	214 14 10
Belchertown, . . .	44 2 0	173 6 0	Two hundred & seventeen pounds, eight shillings	217 8 0
Colerain, . . .	40 5 0	134 17 6	One hundred & seventy five pounds, two shillings, & six pence	175 2 6
Ware, . . .	16 16 0	81 7 8	Ninety eight pounds, three shillings, & eight pence	98 3 8
Warwick, . . .	34 0 0	97 16 9	One hundred & thirty one pounds, sixteen shillings & nine pence	131 16 9
Barnardston, . . .	28 14 0	77 6 5	Seventy seven pounds, six shillings & five pence	77 6 5
Chester, . . .	27 13 0	85 4 11	One hundred & thirteen pounds, eighteen shillings, & eleven pence	113 18 11
Chesterfield, . . .	43 15 0	128 0 9	One hundred & thirty-five pounds thirteen shillings and nine pence	155 13 9
Charlton, . . .	39 18 0	56 16 2	Fifty six pounds, sixteen shillings & two pence	56 16 2
Ashfield, . . .	22 1 0	130 0 0	One hundred & seventy three pounds fifteen shillings	173 15 0
Worthington, . . .	22 1 0	137 17 1	One hundred & seventy seven pounds, fifteen shillings & one penny	177 15 1
Shutesbury, . . .	30 16 0	62 5 10	Eighty four pounds six shillings & ten pence	84 6 10
Goshen, . . .	11 18 0	71 10 0	Seventy one pounds ten shillings	71 10 0
Southwick, . . .	36 15 0	94 5 4	One hundred & twenty five pounds, one shilling	125 1 0
Norwich, . . .	24 10 0	56 9 4	Sixty eight pounds, seven shillings & four pence	68 7 4
Lyndon, . . .	5 12 0	63 11 7	One hundred pounds, six shillings & seven pence	100 6 7
Leicester, . . .	47 12 0	52 8 1	Seventy six pounds, eighteen shillings & one penny	76 18 1
Montgomery, . . .	21 7 0	34 16 1	Thirty four pounds sixteen shillings & one penny	34 16 1
Westhampton, . . .		59 0 10	Sixty four pounds, twelve shillings & ten pence	64 12 10
Cummington, . . .		109 16 6	One hundred & fifty seven pounds, eight shillings, & six pence	157 8 6
Buckland, . . .		42 5 0	Sixty three pounds twelve shillings	63 12 0
Middlefield, . . .		48 1 6	Forty eight pounds, one shilling & six pence	48 1 6

<i>Wendell,</i>	48	10	11	Forty eight pounds, ten shillings, & eleven pence		48	10	11
<i>Orange,</i>	62	1	9	Eighty four pounds, fifteen shillings & nine pence		84	15	9
<i>Holland,</i>	52	10	10	Fifty seven pounds, sixteen shillings & ten pence		57	16	10
<i>Leiden,</i>	61	1	0	Sixty one pounds, one shilling		61	1	0
<i>Rose,</i>	39	5	5	Thirty nine pounds, five shillings & five pence		39	5	5
<i>Heath,</i>	31	8	4	Thirty one pounds, eight shillings & four pence		31	8	4
<i>Easthampton,</i>	68	9	1	Eighty six pounds, six shillings and one penny		86	6	1
<i>Plantation No. 7,</i>	26	6	9	Twenty six pounds, six shillings & nine pence		26	6	9
	1879	3	0	Eight thousand nine hundred & sixty eight pounds, twelve shilling & five pence		8968	12	5

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	£.	s.	d.	Four hundred & two pounds, two shillings & seven pence.		£.	s.	d.
<i>Scituate,</i>	312	17	7	Five hundred & thirty three pounds, thirteen shillings & five pence		402	2	7
<i>Duxboro,</i>	437	7	5	One hundred & ninety one pounds ten shillings and three pence		533	13	5
<i>Marshfield,</i>	163	10	3	Two hundred & seventy four pounds, twelve shillings & seven pence		191	10	3
<i>Bridgewater,</i>	247	13	7	Nine hundred & seventy pounds fifteen shillings & eleven pence		274	12	7
<i>Middleboro,</i>	888	3	11	Seven hundred & fifty pounds three shillings & ten pence		970	15	11
<i>Rochester,</i>	651	9	10	Three hundred & eighty seven pounds & one penny		750	3	10
<i>Plympton,</i>	311	1	1	Two hundred & seventy two pounds, seven shillings & three pence		387	0	1
<i>Pembroke,</i>	215	6	3	Three hundred & forty five pounds, five shillings & seven pence		272	7	3
<i>Kingston,</i>	275	19	7	One hundred & ninety three pounds, fourteen shillings & eleven pence		345	5	7
<i>Ware,</i>	128	12	11	One hundred & eighty five pounds, six shillings & eleven pence		193	14	11
<i>Ware,</i>	151	7	11	Three hundred & seven pounds & three shillings		185	6	11
<i>Abington,</i>	250	9	0	One hundred & fifteen pounds, seventeen shillings & seven pence		307	3	0
<i>Halifax,</i>	104	13	7	One hundred & thirty four Pounds, eight shillings & six pence		115	17	7
<i>Wareham,</i>	86	2	6	Five thousand & Sixty four pounds, two shillings & five pence		134	8	6
	819	7	0			5064	2	5

COUNTY OF BRISTOL.

	Representatives pay.	Proportion of £.65,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Taunton.	74 11 0	520 0 0	Five hundred & ninety four pounds, eleven shillings	594 11 0
Rehoboth.	108 10 0	585 0 0	Six hundred & ninety three pounds, ten shillings	693 10 0
Swansea.	89 19 0	335 0 0	Four hundred & twenty four pounds, nineteen shillings & five pence	424 19 5
Dartmouth.	118 6 0	983 10 7	One thousand, one hundred & one pound, sixteen shillings & seven pence	1101 16 7
Norton.	74 4 0	220 3 10	Two hundred & ninety four pounds, seven shillings & ten pence	294 7 10
Mausfield.	67 4 0	138 2 6	Two hundred & five pounds, six shillings & six pence	205 6 6
Attleboro'.	78 8 0	364 16 3	Four hundred & forty three pounds, four shillings & three pence	443 4 3
Dighton.	38 10 0	208 0 0	Two hundred & forty six pounds, ten shillings	246 10 0
Pretown.	64 8 0	256 4 2	Three hundred & twenty pounds, twelve shillings & two pence	320 12 2
Raynham.	36 15 0	155 18 7	One hundred & ninety two pounds, thirteen shillings & seven pence	192 13 7
Eastown.	36 8 0	170 12 6	Two hundred & seven pounds, & six pence	207 0 6
Berkley.	22 8 0	119 14 2	One hundred & forty two pounds, two shillings & two pence	142 2 2
New Bedford.	19 5 0	0 0 0	Nineteen pounds five shillings	19 5 0
Westport.	828 16 0	4057 3 0	Four thousand, eight hundred & eighty five pounds, nineteen shillings	4885 19 0

COUNTY OF BARNSTABLE.

	£. s. d.	£. s. d.		£. s. d.
Barnstable.	64 1 0	301 6 0	Three hundred and sixty five pounds seven shillings	365 7 0
Sandwich.	59 17 0	238 14 10	Two hundred and ninety eight pounds eleven shillings and ten pence	298 11 10
Yarmouth.	56 0 0	219 4 9	Two hundred and seventy five pounds four shillings and nine pence	275 4 9
Harwich.	31 10 0	172 1 0	Two hundred and three pounds eleven shillings	203 11 0
Eastham.	16 16 0	130 13 6	One hundred and forty seven pounds nine shillings and six pence	147 9 6
Chatham.	10 3 0	96 13 9	One hundred and six pounds sixteen shillings and nine pence	106 16 9
Welfleet.	37 9 0	79 0 4	One hundred and sixteen pounds nine shillings and four pence	116 9 4
Truro.	10 3 0	78 0 0	Eighty eight pounds three shillings	88 3 0

<i>Falmouth,</i> . . .	166 4 6	One hundred and sixty six pounds four shillings and six pence		166 4 6
<i>Provincetown,</i> . . .	24 17 0	Twenty four pounds seventeen shillings		24 17 0
	285 19 0	One Thousand seven hundred and ninety two pounds fourteen shillings & eight pence		1792 14 8

DUKES-COUNTY.

	£. s. d.	£. s. d.		£. s. d.
<i>Edgarton,</i> . . .	24 10 0	148 4 3	One hundred and seventy two pounds fourteen shillings and three pence	172 14 3
<i>Chatham,</i> . . .	12 19 0	161 4 3	One hundred and seventy four pounds three shillings and three pence	174 3 3
<i>Tisbury,</i> . . .	17 10 0	115 2 1	One hundred and thirty two pounds twelve shillings & one penny	132 12 1
	54 19 0	424 10 7	Four hundred & seventy nine pounds nine shillings & seven pence	479 9 7

COUNTY OF NANTUCKET.

	£. s. d.		£. s. d.
<i>Sherburne,</i> . . .	34 13 0	Four hundred and eighty two pounds twelve shillings and two pence	482 12 2

COUNTY OF WORCESTER.

	£. s. d.	£. s. d.		£. s. d.
<i>Worcester,</i> . . .	90 6 0	375 7 6	Four hundred & sixty five pounds thirteen shillings and six pence	465 13 6
<i>Lancaster,</i> . . .	64 15 0	238 3 11	Three hundred and two pounds eighteen shillings and eleven pence	302 18 11
<i>Mendon,</i> . . .	77 0 0	232 18 4	Three hundred and nine pounds eighteen shillings and four pence	309 18 4
<i>Brookfield,</i> . . .	116 18 0	511 14 9	Six hundred and twenty eight pounds twelve shillings and nine pence	628 12 9
<i>Oxford,</i> . . .	52 17 0	146 0 11	One hundred ninety eight pounds seventeen shillings and eleven pence	198 17 11
<i>Charleston,</i> . . .	57 15 0	245 2 4	Three hundred & two pounds seventeen shillings and four pence	302 17 4
<i>Sutton,</i> . . .	100 2 0	464 0 2	Five hundred and sixty four pounds two shillings and two pence	564 2 2

COUNTY OF WORCESTER — CONCLUDED.

	Representa- tives pay.		Proportion of £55,000.			Total.	
	£.	s. d.	£.	s. d.		£.	s. d.
Leicester, . . .	55	13 0	194	11 10	Two hundred & fifty pounds four shillings and ten pence . . .	250	4 10
Spencer, . . .	39	11 0	221	12 2	Two hundred & sixty one pounds three shillings & two pence . . .	261	3 2
Rutland, . . .	44	16 0	233	3 9	One hundred and seventy seven pounds nineteen shillings & nine pence . . .	277	19 9
Oakham, . . .	23	16 0	107	5 0	One hundred and thirty one pounds one shilling . . .	131	1 0
Parson, . . .	57	1 0	113	9 7	One hundred and seventy pounds ten shillings and seven pence . . .	170	10 7
Barre, . . .	80	10 0	304	12 6	Three hundred and eighty five pounds two shillings and six pence . . .	385	2 6
Hubbardston, . . .	29	15 0	111	7 7	One hundred forty one pounds two shillings and seven pence . . .	141	2 7
New Brantree, . . .	37	9 0	145	0 7	One hundred eighty two pounds nine shillings and seven pence . . .	182	9 7
Southborough, . . .	80	17 0	150	17 1	Two hundred thirty one pounds fourteen shillings and one penny . . .	231	14 1
Westborough, . . .	94	17 0	175	5 11	Two hundred seventy pounds two shillings and eleven pence . . .	270	2 11
Northborough, . . .	37	9 0	116	3 9	One hundred fifty three pounds twelve shillings and nine pence . . .	153	12 9
Shrewsbury, . . .	94	0 0	198	0 11	Two hundred ninety two pounds and eleven pence . . .	292	0 11
Luenenburgh, . . .	35	14 0	209	3 0	Two hundred forty four pounds seventeen shillings . . .	244	17 0
Fitchborough, . . .	23	16 0	144	11 2	One hundred sixty eight pounds seven shillings & two pence . . .	168	7 2
Uxbridge, . . .	42	14 0	212	17 6	Two hundred fifty five pounds eleven shillings and six pence . . .	255	11 6
Harvard, . . .	37	2 0	214	19 6	Two hundred & fifty two pounds one shilling and six pence . . .	252	1 6
Dudley, . . .	38	3 0	155	9 2	One hundred and ninety three pounds twelve shillings and two pence . . .	193	12 2
Bolton, . . .	13	13 0	157	11 2	One hundred and seventy one pounds four shillings and two pence . . .	171	4 2
Upton, . . .	36	15 0	131	12 1	One hundred sixty eight pounds seven shillings and one penny . . .	168	7 1
Starbridge, . . .	68	5 0	236	19 17	Three hundred and five pounds four shillings & seven pence . . .	305	4 7
Leominster, . . .	60	11 0	171	11 5	Two hundred and thirty two pounds two shillings and five pence . . .	232	2 5
Hardwick, . . .	74	4 0	284	12 11	Three hundred & fifty eight pounds sixteen shillings and eleven pence . . .	358	16 11
Holden, . . .	60	11 0	156	0 0	Two hundred and sixteen pounds eleven shillings . . .	216	11 0
Western, . . .	61	19 0	159	15 10	Two hundred and twenty one pounds fourteen shillings & ten pence . . .	221	14 10
Donglass, . . .	41	13 0	126	15 0	One hundred and sixty eight pounds eight shillings . . .	168	8 0
Grafton, . . .	61	19 0	170	12 6	Two hundred and thirty two pounds eleven shillings & six pence . . .	232	11 6
Patersham, . . .	72	2 0	241	6 3	Three hundred & thirteen pounds eight shillings & three pence . . .	313	8 3
Royalston, . . .	37	9 0	113	15 0	One hundred & fifty one pounds four shillings . . .	151	4 0
Westminster, . . .	72	9 0	182	14 11	Two hundred and fifty five pounds three shillings and eleven pence . . .	255	3 11
Templeton, . . .	24	10 0	125	18 9	One hundred and fifty pounds eight shillings and nine pence . . .	150	8 9

Princeton, . . .	18 18 0	167 7 6	One hundred and eighty six pounds five shillings and six pence . . .	186 5 6
Ashburnham, . . .	22 15 0	99 16 1	One hundred and twenty six pounds eleven shillings and one penny . . .	122 11 1
Winchendon, . . .	28 14 0	118 2 11	One hundred and forty six pounds sixteen shillings and eleven pence . . .	146 16 11
Northbridge, . . .	32 4 0	71 10 0	One hundred and three pounds fourteen shillings . . .	103 14 0
Ward, . . .	16 2 0	91 5 5	One hundred and seven pounds seven shillings & five pence . . .	107 7 5
Athol, . . .	39 4 0	110 18 8	One hundred and fifty pounds two shillings & eight pence . . .	150 2 8
Milford, . . .	31 17 0	157 7 1	One hundred & eighty nine pounds four shillings and one penny . . .	189 4 1
Sterling, . . .	71 15 0	249 7 5	Three hundred and twenty one pounds two shillings & five pence . . .	321 2 5
Berlin, . . .	7 0 0	81 19 11	Eighty eight pounds nineteen shillings & eleven pence . . .	88 19 11
Gardner, . . .	38 10 0	174 17 10	Forty eight pounds nine shillings & eight pence . . .	48 9 8
Boylston, . . .		90 14 0	Two hundred and thirteen pounds seven shillings and ten pence . . .	213 7 10
Gerry, . . .			Ninety pounds fourteen shillings . . .	90 14 0
	2405 15 0	8943 0 10	Eleven Thousand three hundred & forty eight pounds fifteen shillings & ten pence . . .	11348 15 10

COUNTY OF YORK.

	£. s. d.		£. s. d.		£. s. d.
York, . . .	78 15 0		403 0 0	Four hundred and eighty one pounds fifteen shillings . . .	481 15 0
Kittery, . . .	63 14 0		419 10 5	Four hundred and eighty three pounds four shillings & five pence . . .	483 4 5
Wells, . . .	55 6 0		359 2 6	Four hundred and fourteen pounds eight shillings and six pence . . .	414 8 6
Berwick, . . .	63 0 0		566 6 3	Six hundred and twenty nine pounds six shillings and three pence . . .	629 6 3
Arundel, . . .	13 6 0		182 0 0	One hundred and ninety five pounds six shillings . . .	195 6 0
Bideford, . . .	46 11 0		159 5 0	Two hundred and five pounds sixteen shillings . . .	205 16 0
Pepprellboro', . . .	30 16 0		146 5 0	One hundred and seventy seven pounds one shilling . . .	177 1 0
Lebanon, . . .	48 13 0		99 18 9	One hundred and forty eight pounds eleven shillings & nine pence . . .	148 11 9
Sanford, . . .	60 4 0		99 18 9	One hundred and sixty pounds two shillings and nine pence . . .	160 2 9
Buxton, . . .	12 12 0		126 15 0	One hundred and thirty nine pounds seven shillings . . .	139 7 0
Fryeburgh, . . .	33 5 0		61 15 0	Ninety five pounds . . .	95 0 0
Coxhall, . . .			65 0 0	Sixty five pounds . . .	65 0 0
Limeric, . . .			29 5 0	Twenty nine pounds five shillings . . .	29 5 0
Brownfield, . . .			19 10 0	Nineteen pounds ten shillings . . .	19 10 0
Littlefalls, . . .			39 0 0	Thirty nine pounds . . .	39 0 0
Waterboro', . . .			48 15 0	Forty eight pounds fifteen shillings . . .	48 15 0

COUNTY OF YORK—CONCLUDED.

	Representatives pay.	Proportion of £.65,000.	Total.		
	£. s. d.	£. s. d.	£. s. d.		
Shapleigh, . . .		71 15 5	71 15 5		
Pearsonfield, . .		68 7 8	68 7 8		
Little Ossipee, .		42 15 10	42 15 10		
Washington, . .		22 19 1	22 19 1		
Francisboro', . .		22 17 9	22 17 9		
	506 2 0	3054 2 5	3560 4 5		
				Three Thousand five hundred & sixty pounds four shillings & five pence	

COUNTY OF CUMBERLAND.

	£. s. d.	£. s. d.	£. s. d.		
Portland, . . .	50 19 0	218 19 5	269 18 5		
Falmouth, . . .	60 0 0	273 16 3	333 16 3		
North Yarmouth, .	58 18 0	331 10 0	385 8 0		
Scarborough, . .	39 4 0	299 5 5	338 9 5		
Brunswick, . . .	12 19 0	138 2 6	151 1 6		
Harpwell, . . .	10 17 0	117 0 0	127 17 0		
Cape Elizabeth, .		151 2 6	151 2 6		
Gorham, . . .		214 10 0	214 10 0		
Windham, . . .		108 17 6	108 17 6		
New Gloucester, .	35 7 0	126 17 8	162 4 8		
Gray, . . .		47 9 3	47 9 3		
Standish, . . .		63 7 6	63 7 6		
Royalsborough, .		45 10 0	45 10 0		
Raymondston, . .		21 2 6	21 2 6		
Bakerstown, . . .		34 16 1	34 16 1		
Bridgetown, . . .		27 11 2	27 11 2		
Turner, . . .		32 8 8	32 8 8		
				Two hundred and sixty nine pounds eighteen shillings and five pence	
				Three hundred and thirty three pounds sixteen shillings & three pence	
				Three hundred and eighty five pounds eight shillings	
				Three hundred and thirty eight pounds nine shillings & five pence	
				One hundred and fifty one pounds one shilling & six pence	
				One hundred and twenty seven pounds seventeen shillings	
				One hundred and fifty one pounds two shillings and six pence	
				Two hundred and fourteen pounds ten shillings	
				One hundred and eight pounds seventeen shillings and six pence	
				One hundred and sixty two pounds four shillings and eight pence	
				Forty seven pounds nine shillings & three pence	
				Sixty three pounds seven shillings and six pence	
				Forty five pounds ten shillings	
				Twenty one pounds two shillings and six pence	
				Thirty four pounds sixteen shillings & one penny	
				Twenty seven pounds eleven shillings & two pence	
				Thirty two pounds eight shillings & eight pence	

Shepardston, .
Otisfield Plantation,

263	4	0	26 16 3 19 10 0 2298 12 8	Twenty six pounds sixteen shillings and three pence . Nineteen pounds ten shillings . Two Thousand five hundred & sixty one pounds sixteen shillings & eight pence .	26 16 3 19 10 0 2561 16 8
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COUNTY OF LINCOLN.

	£.	s.	d.		£.	s.	d.
Pownallborough, .	84	0	0	Two hundred and seventy seven pounds fifteen shillings & seven pence .	277	15	7
Georgetown, .	30	9	0	Two hundred and seven pounds Six shillings and one penny .	207	6	1
Newcastle, .	21	0	0	One hundred and fourteen pounds four shillings and eight pence .	114	4	8
Woolwich, .	30	16	0	One hundred and thirty one pounds nineteen shillings and two pence .	131	19	2
Walthorborough, .	17	17	0	One hundred and eleven pounds and four pence .	111	0	4
Topsham, .	26	12	0	One hundred and seven pounds six shillings and two pence .	107	6	2
Haltwicl, .	49	14	0	One hundred and fifty two pounds four shillings and two pence .	152	4	2
Borlougham, .	24	17	0	Eighty nine pounds nineteen shillings and eight pence .	89	19	8
Brothly, .	22	15	0	One hundred and thirteen pounds five shillings and six pence .	113	5	6
Bristol, .	70	0	0	One hundred and thirteen pounds five shillings and six pence .	224	18	4
Passathorborough, .	21	0	0	Two hundred and twenty four pounds Eighteen shillings and four pence .	117	0	3
Edgworth, .	16	2	0	One hundred and seventeen pounds and three pence .	91	5	2
Winstor, .	23	9	0	Ninety one pounds five shillings and two pence .	66	13	0
St Georges, .	6	6	0	Sixty six pounds thirteen shillings .	56	16	2
Warren, .	30	16	0	Fifty six pounds sixteen shillings and two pence .	54	12	10
Thomaston, .	17	17	0	Fifty four pounds twelve shillings and ten pence .	44	5	8
Bath, .				Forty four pounds five shillings and eight pence .	138	14	6
Wintthrop, .				One Hundred thirty eight pounds fourteen shillings and six pence .	88	13	6
Leicester, .				Eighty eight pounds thirteen shillings and six pence .	37	12	11
Batston, .				Thirty seven pounds twelve shillings and eleven pence .	36	19	4
Waldale, .				Thirty six pounds nineteen shillings and four pence .	42	7	9
Wales, .				Forty two pounds seven shillings and nine pence .	20	17	1
Gaurah, .				Twenty pounds seventeen shillings and one penny .	37	0	8
Pittston, .	15	15	0	Thirty seven pounds and Eight pence .	77	12	9
M-duncoock, .				Seventy seven pounds twelve shillings and nine pence .	38	2	5
Norridgehall, .				Thirty eight pounds two shillings and Five pence .	25	3	9
				Twenty five pounds three shillings & nine pence .			

COUNTY OF LINCOLN—CONCLUDED.

	Representatives pay.	Proportion of £45,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Union,	.	14 1 8	Fourteen pounds one shilling & eight pence	14 1 8
Belfast,	.	16 17 2	Sixteen pounds, seventeen shillings & two pence	16 17 2
Machias,	.	65 10 10	Eighty five pounds sixteen shillings & ten pence	85 16 10
Cambden,	20 6 0	21 5 2	Twenty one pounds five shillings & two pence	21 5 2
Hawcock,	.	34 10 8	Thirty four pounds ten shillings & eight pence	34 10 8
Penobscot, late No. 3,	.	74 2 10	Seventy four pounds two shillings & ten pence	74 2 10
Mount Desert,	.	49 11 3	Forty nine pounds eleven & three pence	49 11 3
Iver Island,	.	71 18 1	Seventy one pounds eighteen shillings & one penny	71 18 1
For Island,	.	41 11 6	Forty one pounds eleven shillings & six pence	41 11 6
Penobscot long Island,	.	25 10 6	Twenty five pounds ten shillings & six pence	25 10 6
Plantation No. 1, east side of Penobscot River,	.	21 18 9	Twenty one pounds eighteen shillings & nine pence	21 18 9
No. 2,	.	22 17 8	Twenty two pounds seventeen shillings and eight pence	22 17 8
No. 4,	.	39 2 9	Thirty nine pounds two shillings & nine pence	39 2 9
No. 5,	.	33 15 9	Thirty three pounds fifteen shillings & nine pence	33 15 9
No. 6,	.	33 15 9	Thirty three pounds fifteen shillings & nine pence	33 15 9
Plantation No. 1, east side of Union River,	.	40 5 9	Forty pounds five shillings & nine pence	40 5 9
No. 2,	.	36 15 4	Thirty six pounds fifteen shillings & four pence	36 15 4
No. 3,	.	26 6 9	Twenty six pounds six shillings & nine pence	26 6 9
No. 4,	.	15 14 2	Fifteen pounds fourteen shillings & two pence	15 14 2
No. 6,	.	32 19 6	Thirty two pounds nineteen shillings & six pence	32 19 6
No. 6,	.	25 11 10	Twenty five pounds eleven shillings & ten pence	25 11 10
No. 6,	.	13 5 5	Thirteen pounds five shillings & five pence	13 5 5
Plantation No. 22,	.			
Plantation W. side of Penobscot River, to include Wheeler's Mills,	.	34 7 11	Thirty four pounds seven shillings & eleven pence	34 7 11

<i>Plantation W. side of Penobscot River, above Wheeler's Mills,</i>	28 18 3		Twenty eight pounds eighteen shillings & three pence		28 18 3	
	529 11 0	2815 7 8	Three thousand three hundred & forty four pounds eighteen shillings & eight pence		3344 18 8	

COUNTY OF BERKSHIRE.

	£.	s.	d.	£.	s.	d.	
<i>Sheffield,</i>	46	11	0	325	12	2	Three hundred & seventy two pounds three shillings & two pence
<i>G. Barrington,</i>	57	1	0	197	0	7	Two hundred & fifty four pounds one shilling & seven pence
<i>Stockbridge,</i>	60	18	0	196	7	1	Two hundred & fifty seven pounds five shillings & one penny
<i>Pittsfield,</i>	46	4	0	309	18	1	Three hundred & fifty six pounds two shillings & one penny
<i>Richmond,</i>	38	10	0	218	19	4	Two hundred & fifty seven pounds nine shillings & four pence
<i>Lenox,</i>	49	14	0	178	0	1	Two hundred & twenty seven pounds fourteen shillings & one penny
<i>Lanesboro',</i>	26	12	0	257	9	10	Three hundred fourteen pounds, one shilling & ten pence
<i>Williamstown,</i>	54	19	0	222	12	6	Two hundred & twenty two pounds twelve shillings & six pence
<i>Egremont,</i>	46	18	0	103	3	9	Two hundred & ninety five pounds seventeen shillings & one penny
<i>Becket,</i>	31	3	0	78	17	8	One hundred & fifty pounds one shilling & nine pence
<i>West Stockbridge,</i>	16	9	0	107	5	0	One hundred & ten pounds & eight pence
<i>Dalton,</i>	23	9	0	63	2	1	One hundred twenty three pounds fourteen shillings
<i>New Ashford,</i>	18	11	0	32	12	9	Fifty nine pounds nineteen shillings & nine pence
<i>New Marlboro',</i>	61	12	0	178	2	9	Eighty six pounds eleven shillings & one penny
<i>Tyringham,</i>	21	0	0	150	17	1	Fifty one pounds three shillings & nine pence
<i>London,</i>	24	17	0	31	4	4	One hundred & thirty nine pounds fourteen shillings & nine pence
<i>Windsor,</i>	60	18	0	11	8	11	One hundred & seventy one pounds seventeen shillings & one penny
<i>Partridgefield,</i>	38	17	0	88	12	7	Fifty six pounds one shilling & four pence
<i>Washington,</i>	35	0	0	58	11	4	One hundred & seventy two pounds six shillings & eleven pence
<i>Hancock,</i>	8	1	0	113	8	3	One hundred & twenty seven pounds nine shillings & seven pence
<i>Lee,</i>	57	1	0	125	16	1	Ninety three pounds eleven shillings & four pence
<i>Sandisfield,</i>	63	14	0	230	11	10	One hundred & twenty one pounds nine shillings & three pence
<i>Mt. Washington,</i>				19	6	0	One hundred & eighty two pounds seventeen shillings & one penny
							Two hundred & eighty four pounds five shillings & ten pence
							Nineteen pounds six shillings
	887	19	0	3719	17	11	Four thousand, six hundred & seven pounds sixteen shillings & eleven pence

And be it further enacted by the authority aforesaid, That the Treasurer of this Commonwealth do forthwith send his warrants directed to the Selectmen or Assessors of each town, district, plantation or other place within this Commonwealth, that are taxed, requiring them respectively to assess the sum hereby set upon such town or other place in the manner following, *that is to say,* To assess all the Male polls above the age of sixteen years within their respective towns or other places next adjoining to them, belonging to no other town or place including Negroes & Mulattoes, & such of them as are under the Government of a Master or Mistress, to be taxed to such Master or Mistress respectively in the same manner as Minors & apprentices are taxed, at *five shillings & five pence* each, & the remainder of such sum so set to each town or other place respectively as aforesaid after deducting the sums assessed on the polls as aforesaid on the inhabitants of such Town or other place as aforesaid according to the just value of the whole real estate by each inhabitant of such Town or other place respectively possessed on the first day of *May* next in his own right or the right of others, lying within the said town or place, improved or not improved, & on the non-resident possessors of real estate lying within the said town or place, in their own right or the right of others, improved or not improved, and on the non resident possessors of real estate, lying within the said Town or place, in their own right or the right of others improved or unimproved, saving all agreements between landlords & tenants, & where no agreement is, the Landlord to re-imburse one half the tax ; & also on the inhabitants of such town or place & other persons possessing estate within the same according to the proportion of the amount of the just value of their personal estate, including monies at interest, more than they pay interest for, altho' the same be secured by an absolute conveyance of real estate, if a bond of defeasance or promise of reconveyance has been given (excepting only such money as is lent to Government, & by an act of Government expressly exempted from taxation) monies of all kinds on hand, & also the just amount of the value of all goods, wares & merchandize, stock in trade, vessels of all sorts at home or abroad, with their stores, appurtenances & appendages ; plate, horses, oxen & cattle of all kinds & ages, Swine, & grain of all sorts, & all kinds of

the produce of the land, & all other property of what kind soever (excepting sheep, household furniture, wearing apparel, farming utensils & tools of mechanicks) on the first day of *May*, in the year of our Lord one thousand seven hundred & eighty eight. And the Assessors of the respective towns & other places shall estimate all the before-enumerated articles, at *six per cent.* upon the real value of the same, in the places where they are (excepting unimproved Lands which shall be estimated at *two per cent.*) & on the amount of their incomes from any profession, faculty, handicraft, trade, or employment; & also on the amount of their incomes & profits, gained by trading by land or sea; and the Treasurer in his said warrant shall likewise require the Assessors to make a fair list of the said assessment, setting forth in distinct columns against each person's name, how much he or she is assessed at for polls, how much for real estate, how much for personal estate, & how much for faculty, & income by trade as aforesaid; & if as Guardian, or for any estate in his or her improvement in trust to be distinctly expressed; & also insert on their rate bills, the number of acres of unimproved land, which they have taxed to non-resident proprietors of lands within their respective towns or places, & also the real value at which they have estimated the same; & the list or lists so compleated & signed by them in manner as aforesaid, or by the major part of them, to commit to the Collector or Collectors, Constable or Constables of such Town or place respectively, with a warrant or warrants in due form of law for collecting & paying the same to the Treasurer of this Commonwealth, on or before the first day of *November* next; and to return a certificate of the name or names of such Collector or Collectors, Constable or Constables, with the sum total to them committed to collect, to the said Treasurer, some time before the first day of *July* next, & make & subscribe a certificate of the same, in due form of law.

Provided nevertheless, that the following persons, *viz.* The President, Professors, Tutors, Librarian, & the Students of Harvard College, who have their usual residence there, & who enjoy no other pecuniary office or employment, & settled Ministers of the Gospel, & grammar Schoolmasters, are not to be assessed for their polls or estates, unless their estates be not under their actual management or improvement, or not in the parishes where

they are settled ; & also all persons who have the management or improvement of the estate of Harvard College, are not to be assessed for the same, nor indians for their polls or estates ; & if there be any others who by reason of Age, infirmity or poverty, are unable to pay as others, towards the public charges, or any widows or orphans, who depending on the interest of their money for their subsistence ; or who by receiving paper money, in the course of the late war, have been so reduced, as that, in the judgment of the Assessors, they ought to be relieved in their taxes ; in any such case the Assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths, shall think just and equitable. And the Justices in their Sessions in the respective Counties assembled in apportioning a County tax or assessment, are hereby ordered & directed, to apportion the same on the several towns or other places in such County, in proportion to this tax ; and the assessors in each town, parish or other place in this Commonwealth, are also directed in making town or parish taxes, to govern themselves by the same rule, having regard to all such alterations of polls or of property, as may happen within the same, subsequent to their assessing this Tax as aforesaid — And the assessors of the several towns, which are charged with the pay of Representatives, are directed in apportioning the same, to assess an additional sum on the polls & estates in proportion to the sum they are respectively set at in the said *Sixty five Thousand pounds four shillings*.

And whereas there are many persons who dwell or reside in some towns, within this Commonwealth, but are engaged in trade and negotiate their business almost entirely in other towns, & there hire shops, stores or wharves ; & it is apparent that the Assessors of the towns [where such persons reside or dwell, cannot be so well acquainted with the business transacted by them, as the Assessors of the town] where the same is done.

Be it therefore Enacted by the authority aforesaid, that all persons within the description aforesaid, shall be assessed & pay taxes for such of their goods, wares & merchandize, stock in trade, ships & vessels, as are sold, used or improved in the towns where they hire stores, shops, or wharves, or transact the principal part of their business, & for their faculties exercised, & not in the

towns where they live, & shall accordingly give in, on oath, if required, a list of their whole estate to the assessors of the respective towns, distinguishing what part thereof is rateable in each town, & in default thereof shall be doomed by the assessors respectively :

Provided, that this clause be not in any case so construed as to enable any town to tax any inhabitant of any other town for any estate for which such town hath been charged in the last valuation.

And Be it further enacted by the authority aforesaid that the sum of *thirty pounds* be assessed upon the town of *Bowdoin* in the County of *Lincoln*, and the same proceedings shall be had as for the recovery of the Taxes assessed upon other Towns.

And be it further enacted by the authority aforesaid that the further sum of *ninety four pounds fifteen shillings and ten pence*, be assessed upon the lands comprehended within the claims of the heirs and assigns of the late Brigad: *Waldo*, which are not liable to be taxed by Virtue of any preceeding clause in this Act; and the Treasurer of this Commonwealth, shall send his warrant to the Sheriff of the County of *Lincoln*, requiring him to collect the same in the same manner as Constables or Collectors are authorized and directed to proceed in Collecting Taxes laid on non Resident proprietors of unimproved Lands, & to pay the same into the public Treasury on or before the said first day of *November*.

And it is further enacted by the authority aforesaid that no order shall be drawn by the Treasurer of this Commonwealth on any Constables or Collectors of this tax, for any part of the same. *March 27, 1788.*

1787. — Chapter 57.

[February Session, ch. 24.]

Chap. 57 AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT IN ADDITION TO AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY THREE, ENTITLED, AN ACT TO REGULATE THE CATCHING OF SALMON, SHAD AND ALEWIVES, AND TO REMOVE AND PREVENT OBSTRUCTIONS IN MERRIMACK RIVER, AND IN THE OTHER RIVERS AND STREAMS RUNNING INTO THE SAME, WITHIN THIS COMMONWEALTH, AND FOR REPEALING SEVERAL ACTS HERETOFORE MADE FOR THAT PURPOSE."

Be it enacted by the Senate & House of Representatives in General Court assembled, and by the authority of

the same, that no person or persons whatsoever be allowed from and after passing this act, to catch any salmon, shad or alewives, within three miles of the mouth of *Merri-mack River*, by fishing with seines, net or nets, in the Sea, or by drawing them to the lands of *Plum Island*, *Salisbury Beech* or any of the Islands within the limits aforesaid, except on the days allowed by Law, to take the said fish in the said river; and if any person or persons shall be found to be fishing, with seines, net or nets, within the limits aforesaid, except on the lawful days to take the said fish, in the said river, he or they so offending shall forfeit & pay the sum of *twenty pounds* for every such offence, to be recovered and applied in the same manner as fines for a breach of the Act, to which this is an addition, are recovered and applied.

Penalty for taking fish contrary to law.

March 28, 1788.

1787. — Chapter 58.

[February Session, ch. 25.]

AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN *IPSWICH RIVER*, AND TO ENCOURAGE THE INCREASE OF THE SAME.

Chap. 58

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the owner or owners, occupier or occupiers, of the dam across *Ipswich River*, commonly called *Warner's Mill-dam*, and also the owner or owners, occupier or occupiers, of the dam of *Farley's mill*, so called, be, & they are hereby required, henceforward, at their own cost and charge, in proportion to their several interests, to make and keep open a passage for the fish, through their respective dams, from the twentieth day of *April*, to the thirteenth day of *June* annually: And that the said passages be within four feet of the northerly end of each of the said dams, five feet wide, to extend from the under-side of the Cap-piece, which cap-piece shall be level with the said dam, and as low as the upper side of the Mud-sills of the same; and that during the said time, the bottom of the said passage be covered with flat stones or gravel, in such manner as that the bottom be not raised higher than the sills, & that nothing shall be kept, put or placed on the upper side of either of the said dams, nor any thing put or placed below either of them, within six

Owners or occupiers of Warner's & Farley's mills, required to keep open a passage-way.

feet of the sluice way on the southerly side of them, except a brace on the southerly side of each of the said sluice ways, to guard the said Cap-pieces, on penalty that the owner or owners, occupier or occupiers, of either of the aforesaid Mills neglecting to observe the directions of this Act in any of the instances before mentioned, shall for every such offence forfeit the sum of *Twenty pounds*, to be recovered of them, or either of them, by action of debt, in any Court of Record proper to try the same, in the County where the offence shall be committed, to be disposed of as follows Vizt. One moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

Penalty for neglect.

Passage-way to be kept open at Dodge's mills.

Be it further Enacted, that the Owner or Owners, Occupier or Occupiers of *Dodge's Mills*, so called, at the *little falls*, on the said river, be and they are hereby required to keep open the passage over the said falls, from the Grist-mill to a large Rock in the angle of the falls or dam, down to the mud sill, from the twentieth day of *April*, to the thirteenth day of *June* annually, on penalty that the Owner or Owners, occupier or occupiers of the aforesaid mills, neglecting to observe the directions of this Act, shall for every such offence, forfeit and pay the sum of *Twenty pounds*, to be recovered of them, or either of them, by action of debt, in any Court of Record, within the same County, proper to try the same, one moiety thereof, to him who shall sue for the same, the other moiety to the poor of the town, where the offence shall be committed.

All other sluices or passages shall be kept open.

And be it further Enacted, that the sluices or passages through, or by all other mill dams, now erected, or that shall hereafter be erected upon the said River, or by any stream or streams, running from any natural pond, into the same, provided the said Mill dam be below the same ponds, shall be open, & kept open; & that the owner or owners, occupier or occupiers of such Mill-dam, shall make, maintain & keep open the said sluices or passages, at their own cost & charge, in the same manner, as heretofore in this Act is provided, with regard to the passages through *Warners & Farleys* Mill dam, and under the said penalty for every neglect, to be recovered and disposed of, in the same manner.

Penalty for taking fish with seines or drag-nets.

And be it further Enacted, that every person, who shall after the twentieth day of *April*, which will be in the year of our Lord, One thousand seven hundred & eighty

eight, presume to take any fish of any kind, in the said River or its branches, or any of the ponds, emptying themselves into the same, with seines or drag-nets of any kind, shall forfeit, for every such offence, the sum of *twenty pounds*, to be recovered in any Court of Record, proper to try the same, one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence is committed.

And whereas it has been found by experience, that saw dust floating in streams where fish pass, obstruct their passage:

Be it further Enacted, that none of the saw Mills, on the said River, or any of the streams runing from natural ponds into the said River, shall be suffered to go between the last day of *April*, and the first day of *June* annually, for cutting any wood or timber; and every owner or occupier of such mill, who within the term aforesaid, shall use or suffer the same to be used, or employed for such purposes as aforesaid, shall incur the penalty of *twenty pounds*, to be recovered and disposed of in the same manner as aforesaid.

And be it further Enacted, that from and after the passing this Act, every town bordering on *Ipswich River*, where Alewives & other fish, go up to cast their spawn, shall at their meeting in *March* or *April*, for the choice of town Officers annually, choose at least, three suitable and fit persons, whose duty it shall be, jointly or severally, to see that this act be duly observed, and to inform against any person or persons, that shall offend against the same; & all persons so chosen, shall be sworn to the faithful discharge of their duty in such Office; & if any person chosen as aforesaid, shall refuse or neglect to be sworn, after due notice given, he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of the town to which he belongs, to be recovered by the Treasurer of such town, in any Court proper to try the same; and such town shall proceed to a new choice, and so *toties quoties*.

And be it further Enacted by the Authority aforesaid, that each and every person, who shall, from & after the twentieth day of *April*, to the thirteenth day of *June* annually, presume to take any of the said fish, in the River aforesaid, or any of the streams runing into the same, except on monday, wednesday & friday, in each week, during the time limited by this Act, and in that

No saw-mill shall be suffered to go, between the last day of *April* and first day of *June*, annually.

Towns bordering on *Ipswich River*, to choose a committee, annually.

Penalty for taking fish, except on the days allowed by this act.

case, not to be taken within two rods of any of the sluices aforesaid, shall forfeit and pay for every such offence, a sum not exceeding *forty shillings*, nor less than *twenty shillings*, to be recovered on complaint or information, one moiety to the prosecutor, & the other moiety to the poor of the town where the offence is committed; and the said Committee, shall be admitted as witness or witnesses on the trial.

Former laws
repealed.

And be it further Enacted by the authority aforesaid, that all the laws heretofore made, relative to fish passing up *Ipswich River*, & for regulating the taking of the said fish, be, and they hereby are repealed, & made null and void.

March 28, 1788.

1787. — Chapter 59.

[February Session, ch. 26.]

Chap. 59 AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT FOR RENDERING PROCESSES IN LAW LESS EXPENSIVE."

Preamble.

Whereas doubts have arisen how far Justices of the Peace, are authorized to continue actions, commenced against persons absent from the Commonwealth:

Enacting clause.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that when any civil action is commenced before any Justice of the Peace, having cognizance of the same, if it shall appear to the said Justice by the return of the writ in the said action, or otherwise, that the defendant or debtor be absent from the Commonwealth, at the time of serving such writ, it shall be the duty of such Justice to continue such action for a space of time, not exceeding six months, nor less than two months, according to the supposed distance of such debtor or defendant, and as to the said Justice shall seem most equitable, and there shall be the same distance of time, between rendering the said judgment and issuing execution thereon, as if no continuance were granted; also every Justice of the Peace, in any other case, shall have power by public proclamation, to adjourn the process of any action brought before him, for more than *four pounds*, when equity shall appear to require it, not exceeding thirty days.

And whereas no provision is made for a plaintiff to prosecute his suit, commenced before a Justice, in case of the death of such Justice during the process:

It is further enacted, that when any Justice of the Peace, shall die or be removed before a judgment given by him is paid and satisfied, it shall be in the power of any Justice of the Peace, in the same county, to grant a *scire facias* upon the same judgment, for the party against whom such judgment was rendered up, to shew cause, if any he hath, why execution should not be issued against him. And if no such cause be known, such Justice shall cause execution to issue on such judgment, in the same manner, as if the action had been commenced before him.

Provision, in case of the death or removal of a Justice.

March 28, 1788.

1787.—Chapter 60.

[February Session, ch. 27.]

AN ACT FOR THE PRESERVATION OF THE SALT MARSHES IN THAT PART OF THE TOWN OF DORCHESTER, IN THE COUNTY OF SUFFOLK, KNOWN BY THE NAME OF SQUANTUM.

Chap. 60

Whereas the Salt Marshes aforesaid, sustain great damages by the feeding & trampling of cattle, by which means the owners are deprived of a great part of the crops of hay, upon which they rely for the supporting their stock:

Preamble.

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that any Cattle or Horses found on the aforesaid Salt Marshes, between the fifteenth of April, & the fifteenth of September annually, may be impounded by the owners of the said Marsh, or any other person by them employed, in either of the Pounds in *Milton* or *Braintree*; and the owners of the said Cattle shall be liable to pay all damages that may arise, in consequence of their Cattle feeding and trampling on the said Meadows.

Cattle or horses may be impounded.

And be it further Enacted by the authority aforesaid, that the pound keepers in the towns of *Milton* or *Braintree*, are hereby directed and impowered, to receive all such Cattle and Horses, & to conduct themselves as the law directs in other cases where Cattle are impounded.

Directions to pound keepers.

March 29, 1788.

1787.—Chapter 61.

[February Session, ch. 28.]

AN ACT TO SET OFF A CERTAIN POINT OF LAND, ADJOINING TO TOPSHAM, NOW KNOWN BY THE NAME OF PATTEN'S POINT, FROM THE TOWN OF BOWDOINHAM, AND ANNEXING THE SAME TO THE TOWN OF TOPSHAM.

Chap. 61

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of

Patten's point
set off.

the same, that a certain point of land belonging to the Town of *Bowdoinham*, in the County of *Lincoln*, known by the name of *Patten's Point*, and seperated from the rest of the Town of *Bowdoinham*, by the River known by the name of *Cuthance*, be, and the same is hereby sett off from the Town of *Bowdoinham*, and that the same be annexed to the Town of *Topsham*; provided the inhabitants of the said Point of Land, shall be holden to pay their proportion of all taxes which have been assessed, ordered or voted to be laid on the said Town of *Bowdoinham*, by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.

March 29, 1788.

1787.—Chapter 62.

[February Session, ch. 29.]

Chap. 62 AN ACT REPEALING A CERTAIN PARAGRAPH OF AN ACT, PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, INTITLED, "AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS COMMONWEALTH, ALREADY MADE, FOR THE PRESERVATION OF THE FISH CALLED ALEWIVES, AND FOR THE BETTER REGULATING THE RIVER CALLED *WEWEWANTETT*, IN THE COUNTY OF *PLYMOUTH*, AND FOR MAKING AN ADDITION TO THE SAID ACT.

Preamble.

Whereas it is provided in the seventh enacting paragraph of the said Act, "That no Mill or Mills, Forge or Furnace, or any other Water-Works whatsoever, be permitted to go or work on the said River, from the first day of April, until the first day of June annually, unless such sluices as hereafter are in this Act described, are kept open for the term of time aforesaid; and that the dams on the said River, or the sluice-ways belonging to such dams, shall be kept open, ten feet in width, to the bottom of the natural stream of the said River, and shall lay open during the time aforesaid, on penalty of fifty pounds, to be recovered by action of debt, of the possessor of such Mill, Forge or Furnace, or Water-Works, one moiety thereof, to him or them who shall sue for the same, and the other moiety to the use of the Towns or Proprietors of the said River, in any Court proper to try the same," which paragraph is found in its operation to be inconvenient:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the author-

ity of the same, that the said Paragraph be, and hereby is repealed and made null and void. Paragraph repealed.

And be it further enacted by the authority aforesaid, that the Committees which by the said Act, the Towns of *Rochester*, *Plympton* and *Wareham*, are authorized annually to choose, are hereby fully authorized & empowered, to open such sluice way in any dam on the said River, as they may think proper, at any time between the first day of *April* & the first day of *June* annually, for the purpose of letting up the said fish. And the respective Owner or Owners of such dam or dams, shall keep open such sluice way or sluice ways, so opened as aforesaid, from the time of their being opened as aforesaid, until the first day of *June*, unless he or they have liberty in writing, under the hands of the said Committees, under the penalty of *thirty pounds*, one half to him or them, who shall sue for the same, the other half to the use of the Towns of *Rochester* and *Plympton*, and that part of *Wareham*, which was taken from *Rochester*, to be recovered by action of debt, in any Court, proper to try the same. And the said Committees are hereby authorized to open such of the said sluice ways, as shall be stopped after being opened, so often as the same shall be stopped during the said time; and the said Committees are hereby further authorized, to open such passages in the dam or dams in the said River, in the month of *August* annually, as will be sufficient to let the young Fish pass down the river, which passages so opened by them shall remain open three weeks, under the same regulations as aforesaid. Committees empowered to open sluice ways, &c.

March 29, 1788.

1787.—Chapter 63.

[February Session, ch. 30.]

AN ACT IN ADDITION TO AND FOR THE AMENDING OF AN ACT, INTITLED, "AN ACT TO RAISE A PUBLIC REVENUE BY EXCISES." *Chap. 63*

Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that from and after the first day of *May* next, there shall be paid on the following articles, the excise duty to them respectively affixed, in addition to the duty required by the Act to which this is an addition, Viz. Additional Excise.

On every Gallon of *Madeira Wine*, *eight pence*.

On every Gallon of other Wine, *three pence*.

On every Gallon of foreign Rum, & other foreign distilled spirits, *three pence*.

On every Gallon of *New England* Rum, and distilled spirits, *two pence*.

On every pound of Bohea Tea, *three pence*.

On every pound of other *India* Tea, *six pence*.

On every pound of Coffee, *one half pence*.

On every pound of Cocoa, *half penny*.

On every hundred of lemons, *one shilling*.

On every hundred weight of Raisins, *one shilling & six pence*.

On every pound of manufactured Tobacco imported, *four pence*.

And whereas the duties of excise will be as effectually secured by the bond directed by the said Act, to be taken previous to the unloading of excised articles, provided the importer shall acknowledge the quantities of excised articles imported, by signing the weigher and gaugers account, and the requirement of an excise bond and the settlement thereof, as provided by the said Act, is attended with great inconvenience to the importer: Therefore

Importers of excised articles, shall sign the weigher and gauger's account, &c.

Be it enacted, that each and every importer of excised articles, shall sign the Weigher & Gaugers account of the weight and gauge of the articles imported, which account shall be exhibited by the weigher and gauger to the collector or his deputy, and shall be indorsed by him on the bond which by law is to be given, by the importer, previous to the unloading of such excised articles. And when all the importers by any Vessel shall have signed such account, the weigher and gauger shall give a certificate thereof to the Master or Commander of such Vessel, and not before. And no Naval Officer or his Deputy, shall clear out any Vessel by which excised articles may have been imported, without a certificate as aforesaid, being produced to him by the Master or Commander thereof.

Importers shall render an account, once in three months.

And all importers shall once in every three months, *Viz.* on the first days of *May, August, November and February*, or within thirty days of the said first days of *May, August, November and February*, render an account of all the excised articles contained in his bond, and pay the excise due thereon, agreeably to the Act to which this is an addition.

And whereas the certificates required by Law, to cancel the bonds given for excised articles exported, cannot in

many cases be obtained, and in others, if required, will operate to the injury of the exports of this Commonwealth:

Be it enacted, that when any excised articles, are exported out of this Commonwealth, and lost at sea or landed in any port or place, without the limits of the United States, the bonds given on exportation shall be cancelled, provided the exporter shall produce such proof of the loss or landing thereof as aforesaid, as shall be satisfactory to the Collector of excise & the Comptroller General. And to prevent the revenue being injured by not shipping or relanding of goods bonded for exportation:

Clause respecting excised articles exported & lost at sea.

Be it enacted, that if any excised articles bonded for exportation, are not shipped or relanded without liberty from the Collector, upon proof thereof, the Master or owner shall forfeit and pay four fold duties on the goods so landed for exportation, and the Vessel shall be seized and held to answer the same, and the bond given by the shipper, shall be sued for and recovered.

If excised articles bonded for exportation, are not shipped or relanded, — forfeiture.

And the Collectors of Excise and Naval Officers and their Deputies, are hereby authorized to search any Vessel, and if the goods bonded for exportation shall not be found therein, the Master or owner, and the shipper, shall be liable to the penalties aforesaid.

Collectors, &c. authorized to search any vessel.

And whereas Chocolate exported out of this Commonwealth, not being equally exempted with Cocoa from excise, operates to the injury of the manufacturer of that article:

Be it enacted, that upon every pound of chocolate, exported out of this Commonwealth, there be allowed the same draw-back of excise, as the like quantity of Cocoa would be entitled to.

Draw-back upon chocolate exported.

And be it further enacted, that the amount of all the duties collected by virtue of this Act, shall be, and is hereby appropriated to & for the support of the civil Government of this Commonwealth. And in order that the specie may be brought into the Treasury for the purpose aforesaid:

Duties appropriated.

Be it further enacted, that the Treasurer be, and he is hereby directed, not to draw any orders on the several Collectors of Impost and excise within this Commonwealth, for or on account of any excise, which they may collect in consequence of this Act.

Treasurer directed not to draw any orders on Collectors of impost & excise.

March 31, 1788.

1787.—Chapter 64.

[February Session, ch. 31.]

Chap. 64 AN ACT TO PREVENT THE EXPORTATION OF GREEN OR UNMANUFACTURED CALF SKINS, OUT OF THIS COMMONWEALTH, BY LAND OR WATER.

Preamble.

Whereas the exporting of green or unmanufactured Calf Skins, will occasion a scarcity thereof, and be attended with disagreeable consequences to the Commonwealth: For preventing thereof,

Penalty for exporting green or unmanufactured Calf-skins.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that from and after the passing this Act, no green or unmanufactured Calf skins, shall be exported out of the limits of this Commonwealth, by land or water; and if the owner or owners of any green or unmanufactured Calf skins, or other person or persons, employed by him or them, shall lade or put on board of any Vessel or Float, bound out of this Commonwealth, any green or unmanufactured Calf-skins; or if any Master of any Ship or Vessel, or any other Officer or mariner, shall receive on board, any green or unmanufactured Calf skins, as aforesaid, the person or persons so offending, shall incur the penalty of *six shillings* for each and every green or unmanufactured Calf skin, so shipped or attempted to be shipped; to be sued for and recovered in any Court within this Commonwealth, proper to try the same; and every such green or unmanufactured Calf skin, laded on board of any Vessel as aforesaid, shall be forfeited. And it shall & may be lawful for any Justice of the Peace, upon information given of any green or unmanufactured Calf skins being put on board any Ship or other Vessel, with intent to export the same as aforesaid, to issue his Warrant directed to the Sheriff or his Deputy, or any Constable, requiring them respectively, to make seizure of any such Green or unmanufactured Calf skins, Laded for exportation as aforesaid, to secure the same, in order for trial, and such Officers are hereby respectively impowered and required, to execute the same; and every Officer of Impost and Excise, and every Naval Officer, and their respective Deputys, are hereby severally empowered, on information given by any person or persons, to seize and secure any green or unmanufactured Calf skins, laded as*

aforesaid, for trial; and the fines or forfeitures incurred by a breach of this Act, shall be one moiety thereof to the person or persons who may give information, sue for & recover the same, and the other moiety to and for the use of this Commonwealth.

Fines and forfeitures, how disposed of.

March 31, 1788.

1787. — Chapter 65.

[February Session, ch. 32.]

AN ACT FOR ANNEXING FEES TO CERTAIN PAPERS IN THE SECRETARY'S OFFICE, AND FOR MAKING AN APPROPRIATION THEREOF. Chap. 65

Whereas it is found necessary that some certain provision should be made for the pay of the Secretary & the Clerks in his office: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, that so much of an act passed the first day of March, One thousand seven hundred & eighty seven, as relates to the fees established for the Secretary's office, be, & it is hereby repealed.

And be it further Enacted by the authority aforesaid, that in future the following shall be the established fee, to be paid into the Secretary's office.

For all Copies for the benefit of individuals, at the rate of *one shilling* for each hundred words. For Copies of Resolves and orders of the General Court, or of the Governor and Council of a private or local nature, *three shillings*. For an Act for the Benefit of individuals, companies or Corporate Bodies (except societies for the promotion of Arts & Sciences, agriculture and manufactures, Religion & Charitable purposes) *Twelve shillings*. For every Act for the incorporation of a Town, District, Precinct or Parish, excepting the incorporation of Plantations, to be paid by the Agent applying therefor, *six shillings*. For every Commission of Sewers, *six shillings*. For every Register of a Vessel, *six shillings*. For every Warrant for a Branch Pilot, *six shillings*. For every impression of the Seal of the State, with a Certificate on private papers, *Twelve shillings*. For every pass or Letter of recommendation, for persons or Vessels Bound to foreign parts, *twelve shillings*. For every notification of the Secretary for an appointment of inspectors, Assay Masters, or Surveyors of Tobacco, Flax Seed, Pot Ash,

Established Fees.

Pearl Ash, Loaf Sugar, Beef, Pork, Fish and Butter, *six shillings*. For every notification of the Secretary, of an appointment to the office of Comptroller General, *thirty shillings*. For every notification of the Secretary, of an appointment to the office of Collector of impost and excise, *twenty shillings*. For every notification of the Secretary, of an appointment of Naval Officer, *twelve shillings*, provided that the persons notified as abovesaid, shall accept their respective trusts. For every Commission to the Office of Coroner, *six shillings*. For every Commission to the Office of Justice of the Peace, of the quorum and through the Commonwealth, *Nine shillings*. For every Commission of a Letter of Mark and Reprisal, *Twenty four shillings*. For every Act of naturalization of a foreigner, otherwise than a Husbandman, Mechanick or Common Laborer, *Six Pounds*.

Secretary to receive and keep an account of all fees, &c.

And be it further Enacted by the authority aforesaid, that the Secretary shall receive and keep an account of all the fees by him taken in virtue of this Act, and shall pay the same quarterly into the Treasury of this Commonwealth; and the said Secretary's proportion of a quarterly payment of the Salary allowed him, and also the proportion that may be due to the Several Clerks in the said Secretary's Office, shall be paid out of the same, in discharge of the Warrants respectively drawn in their favour. And a fair account of the whole fees received, with the names of the persons paying the same, shall be annually laid before the General Court.

March 31, 1788.

RESOLVES
OF THE
GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE THIRTIETH DAY OF
MAY, ANNO DOMINI, 1787.

BOSTON:
PRINTED BY ADAMS AND NOURSE,
Printers to the Honorable General Court.
M,DCC,LXXXVII.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.
1893.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

TOGETHER WITH THE MESSAGES OF HIS EXCELLENCY
THE GOVERNOUR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE 30TH DAY OF *MAY*, ANNO
DOMINI, 1787.

His Excellency, JOHN HANCOCK, Esq ;
Governour.

His Honour, THOMAS CUSHING, Esq ;
Lieutenant-Governour.

COUNCELLORS.

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Jonathan Greenleaf,	John Frost,
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County of NANTUCKET.

No returns.

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<i>Northborough</i> , Capt. Isaac Davis.	<i>Ashburnham</i> , Mr. Jacob Willard.
<i>Shrewsbury</i> , Capt. Isaac Harring-	<i>Northbridge</i> , Capt. Josiah Wood.
ton.	<i>Winchendon</i> , Hon. Abel Wilder,
<i>Lunenburg</i> , Capt. John Fuller.	Esq;

REPRESENTATIVES — *Concluded.**County of WORCESTER — Concluded.*

<i>Ward</i> , Capt. Samuel Eddy.	<i>Sterling</i> , Capt. Benjamin Richard-
<i>Athol</i> , Deacon Jesse Kendall.	son.
<i>Milford</i> , Mr. David Stearns.	<i>Boylston</i> , Lieut. Jonas Temple.

County of YORK.

<i>York</i> , Capt. Esaias Preble.	<i>Pepperrelboro'</i> , James Scammon,
<i>Kittery</i> , Mr. Mark Adams.	Esq;
<i>Wells</i> , Capt. Joseph Hubbard.	<i>Sandford</i> , Major Samuel Nasson.
<i>Arundel</i> , Thomas Perkins, Esq.	<i>Buxton</i> , Jacob Bradbury, Esq;
<i>Biddeford</i> , Jeremiah Hill, Esq.	<i>Fryburgh</i> , Mr. Moses Ames.

County of CUMBERLAND.

<i>Portland</i> , Mr. John Fox.	<i>Gorham</i> , Hon. Josiah Thatcher,
<i>Falmouth</i> , Joseph Noyes, Esq;	Esq;
<i>North Yarmouth</i> , Samuel Merrill,	<i>New Gloucester</i> , Mr. William
Esq;	Wedgery.
<i>Scarborough</i> , William Thompson,	
Esq;	

County of LINCOLN.

<i>Pownalborough</i> , Mr. David Syl-	<i>Bristol</i> , William Jones, Esq;
vester.	<i>Hallowell</i> , Mr. Daniel Cony.
<i>New Castle</i> , Major John Farley.	<i>Machias</i> , Mr. David Gardiner.
<i>Boothbay</i> , William McCobb, Esq;	

County of BERKSHIRE.

<i>Sheffield</i> , John Ashley, jun. Esq;	<i>Egremont</i> , Capt. David Ostrom.
<i>Great Barrington</i> , Major William	<i>Becket</i> , Nathaniel Kingsley, Esq;
King.	<i>West-Stockbridge</i> , Col. Elijah Wil-
<i>Stockbridge</i> , Hon. Theodore Sedg-	liams.
wick, Esq;	<i>Alford</i> , Capt. William Brunson.
<i>Pittsfield</i> , Henry Van Schaack, Esq;	<i>New-Marlborough</i> , Capt. Daniel
Capt. David Bush.	Taylor.
<i>Richmond</i> , Mr. William Lusk.	<i>Tyringham</i> , Mr. Benjamin Warren.
<i>Lenox</i> , William Walker, Esq;	<i>Louden</i> , Mr. Joshua Lawton.
<i>Lanesborough</i> , Col. Jonathan	<i>Windsor</i> , Harmon Briggs, Esq;
Smith, and	<i>Patridgefield</i> , Mr. Henry Badger.
Mr. William Starkweather.	<i>Washington</i> , Azariah Ashley, Esq;
<i>Williamstown</i> , Hon. Thomp. J.	<i>Sandisfield</i> , Mr. James Ayrault.
Skinner, Esq;	<i>Lee</i> , Capt. Josiah Yale.
<i>Adams</i> , Capt. Reuben Hinman.	

Chapter 1.*

RESOLVE ON THE LETTER FROM THE HONOURABLE MAJOR-GENERAL *LINCOLN*, GRANTING THE PRAYER OF HIS REQUEST.

Upon the letter of the Honoble Major General *Lincoln*, to the honble Mr. *Sedgwick*:

Resolved, that it is the opinion of this Court, that the request of Major General *Lincoln*, as contained in the

Chap. 1

* Taken from court record.

letter, may be complied with, consistent with the safety of the Commonwealth, and that the said letter be transmitted to the Governor.

June 5, 1787.

Chap. 2

Chapter 2.*

[May Session, ch. 2, 1787.]

Chap. 3

Chapter 3.*

[May Session, ch. 3, 1787.]

Chapter 4.

Chap. 4

RESOLVE EXPRESSING THE SENSE OF THE TWO HOUSES, THAT THE COUNSELLORS FOR THE LAST YEAR ARE COUNSELLORS FOR THE TIME BEING, AND UNTIL A NEW COUNCIL SHALL EXIST.

Resolved, that it is the Sense of the Senate, that the Counsellors for the last Year, are Counsellors for the time being, for the purpose of administering the Oaths to the Members of the General Court, until a new Council shall be qualified & exist.

June 6, 1787.

Chapter 4A.†

Chap. 4A

RESOLVE ON THE PETITION OF *EZRA JEWELL* OF *AMESBURY* TO NOTIFY *JOHN HUNT* TO SHEW CAUSE, &c.

On the petition of *Ezra Jewell* of *Amesbury*, praying that Judgment rendered against him at the Court of Common pleas held at *Concord March 14 1786* in the County of *Middlesex* in favour of *John Hunt* may be set aside, & a new tryal granted, for reasons mentioned in the said Petition —

Resolved, That the Petitioner give notice to the said *John Hunt*, by serving him with an attested Copy of the said Petition, & of this Resolve; by leaving the same at his last & usual place of Abode, seven Day, at least before the fourth Wednesday of the present Session of the general Court; that he may on the said fourth Wednesday, show cause if any he has, why the Prayer of the said *Ezra Jewell* should not be granted. — and that execution be staid in the mean time —

June 6, 1787.

Chap. 5

Chapter 5.*

[May Session, ch. 5, 1787.]

* Governor's message, see end of volume.

† Not printed in previous editions.

Chapter 6.

RESOLVE ON THE PETITION OF SAMUEL FISK.

Chap. 6

On the petition of *Samuel Fisk*, praying that a letter of administration granted to him, the 10th of *March*, 1784, by the Judge of Probate for the County of *Middlesex*, on the estate of *Bradyl Smith*, may be confirmed, for reasons set forth in the said petition :

Resolved, that the letter of administration granted on the tenth day of *March* 1784, by the honorable *Oliver Prescott*, Esqr ; Judge of Probate for the County of *Middlesex*, to *Samuel Fisk*, on the estate of *Bradyl Smith*, late of *Weston*, deceased, be, & it is hereby declared to be good & valid, any variation in point of form, from an Act which passed on the sixth day of *February* preceeding the date of the said letter, notwithstanding.

And it is further *Resolved*, that the doings of the said *Samuel Fisk*, as administrator on the aforesaid estate, wherein he has proceeded according to law, be, and hereby are established & confirmed, any defect which may have been in his letter of administration aforesaid notwithstanding.

June 7, 1787.

Chapter 7.

RESOLVE ON THE PETITION OF GEORGE HALL, ALLOWING HIM PAY FOR HIS SERVICES AS A MATE IN THE HOSPITAL DEPARTMENT FOR THE MILITIA.

Chap. 7

On the Petition of *George Hall*, praying compensation for his services as a Mate in the Hospital Department for the Militia, he having been omitted in the Roll of that Department :

Resolved, That the said *George Hall*, be made up from the 8th of Jan^y 1787, to the 9th of *February* following, being the Time he served, agreeably to the Establishment.

June 7, 1787.

Chapter 8.

RESOLVE APPOINTING JAMES DEANE, A SUPERINTENDANT TO SUPERINTEND AND APPROVE A PURCHASE TO BE MADE OF THE NATIVES BY SAMUEL BROWN, ESQ; AND HIS ASSOCIATES, &c.

Chap. 8

Resolved, That Mr. *James Deane* be, and he hereby is appointed a superintendant to superintend, and if he see

cause, approve a purchase to be made of the natives by *Samuel Brown*, Esqr; & his associates, or such person or persons as have been or may be by them appointed, of a Tract of Land in the western Country, laying between the rivers *chenango* and *owego*, equal to ten townships of six miles square.

June 8, 1787.

Chapter 9.

- Chap. 9* RESOLVE ON THE PETITION OF THE SOLDIERS COMPOSING THE GARRISON AT *CASTLE ISLAND*, DIRECTING THE TREASURER TO DISCHARGE ANY WARRANTS DRAWN, OUT OF THE SPECIE PART OF THE TAX GRANTED IN *MARCH* 1786.

On the Petition of the Soldiers Composing the Garrison at *Castle Island*:

Resolved, that the prayer of the Petition be so far granted, That the Treasurer be, & he is hereby directed, to discharge any Warrants that are or may be drawn on him for the pay of the Said garrison, out of the Specie part of the Tax granted for the use of Government in *March* 1786, provided the same shall not amount to more than Six months pay for the Said garrison.

June 11, 1787.

Chapter 10.

- Chap. 10* RESOLVE EMPOWERING THE ADJUTANT GENERAL TO PROCURE BLANK WARRANTS FOR SERJEANTS.

Whereas by the Law for Regulating and Governing the Militia within this Commonwealth it is provided, that each Serjeant shall receive a Warrant from his Colonel; And it being necessary that the Several Colonels of Militia should be furnished with Blanks for the said purpose:

Resolved, That the Adjutant General be, and he is hereby empowered, to procure Blank Warrants Sufficient to furnish each Serjeant with one, agreeable to the Militia Law; And lay his Account before the General Court for allowance and payment.

June 11, 1787.

Chapter 11.

- Chap. 11* RESOLVE ON THE PETITION OF *JOHN CHALONER*, GRANTING HIM *THREE POUNDS* PER MONTH, UNTIL FURTHER ORDER.

Upon the Petition of *John Chaloner*, setting forth, that being called for as one of the Militia, to defend the Fed-

eral Arsenal at *Springfield*, under the command of General *Shepherd*, on the 18th of *January* last, he had the direction of a Cannon, which upon the approach of *Shays*, & his party, to attack said Post, was by accident discharged, whereby the said *Chaloner* lost both his Arms, so as to render him utterly incapable of ever assisting himself in future, or doing any thing for his support, and praying such an allowance for his future subsistence as his circumstances require :

Resolved, That there be allowed & paid out of the treasury of this Commonwealth, to the said *John Chaloner*, *three pounds*, per month, quarterly, till the further order of the General Court, the first quarterly payment to be considered as due the first day of *June* current, and the amount thereof to be charged to the United States.

June 11, 1787.

Chapter 12.

RESOLVE ON THE PETITION OF SOLOMON FREEMAN, IN BEHALF OF THE TOWN OF HARWICH, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH A CERTAIN SUM. Chap. 12

On the Petition of *Solomon Freeman*, In behalf of the Town of *Harwich*, Praying that a fine Set on s^d Town In the year 1783, for not Sending A Representative, May be Abated, for Reasons Set forth In the s^d Petition :

Resolved, that the Prayer of the Petition be Granted, & that the Treasurer of this Commonwealth be, & he is hereby Directed, to Credit the s^d town of *Harwich*, the Sum of *Forty four Pounds Eight Shillings & four Pence*, Laid on the s^d Town as aforesaid. *June 11, 1787.*

Chapter 13.

RESOLVE ON THE PETITION OF WILLIAM WARD, IN BEHALF OF THE TOWN OF CUMMINGTON. Chap. 13

On the petition of *William Ward*, in behalf of the Town of *Cummington*, praying for a Committee to settle the east line of said Town :

Resolved, That *Noah Goodman*, Esqr; Mr. *William Bodman* and Mr. *Jonathan Brewster*, be a Committee to repair to the Town of *Cummington*, to ascertain the East line thereof at the expence of the said Town, and make report at next Session of the General Court after the said business shall be compleated. *June 11, 1787.*

Chapter 14.

Chap. 14 RESOLVE ON THE PETITION OF *MOSES CUTLER*, AND ELEVEN OTHERS, INHABITANTS OF THE TOWN OF *HOLLISTON*, RE-LEASING THEM FROM PAYING ANY MINISTERIAL TAXES, &c.

On the petition of *Moses Cutler* and eleven others, inhabitants of the town of *Holliston*, praying to be released from paying ministerial charges, & from paying any charges of building and repairing meeting houses; and by the votes of the said town, accompanying the petition, it appears they have agreed thereto.

Resolved, That *Moses Cutler, Asa Leland, Simeon Littlefield, Enoch Chamberlain, Reuben Fairbanks, Abner Leland, Nahum Clark, Ebenezer Cutler, John Claplin, Asa Rider, Jason Chamberlain & William Chamberlain*, with each of their polls & estates, be, and hereby are released from paying any ministerial charges, & from paying any charges of building or repairing of meeting houses, in the said town, in future, and notwithstanding such release, all rates & assessments on the remaining inhabitants, for the purposes aforesaid (provided they are otherwise according to Law) shall be good and valid to all intents & purposes, any Law or Resolve to the contrary notwithstanding.

June 11, 1787.

Chapter 14A.*

Chap. 14A RESOLVE ON THE PETITION OF *GEORGE WILLIAMS* TO NOTIFY *SAMUEL CURTIS*.

On the Petition of *George Williams* praying that a Judgment rendered against him by *Samuel Curtis, Esq* one of the Justices of the peace for the County of *Middlesex*, on the thirtieth day of *April* last past, may be set aside for reasons.

Resolved, that the prayer of the said petition be so far granted as that the petitioner notify the said *Joel Brigham*, by serving him with an attested Copy of his said Petition and this Resolve thereon, seven days at least before the fifth wednesday of the present Session of the general Court, that he may then shew Cause (if any he has) why the prayer of the said Petition should not be granted, & that Execution be stayed in the mean time.

June 11, 1787.

* Not printed in previous editions.

Chapter 15.

RESOLVE ON THE PETITION OF THE HON. FRANCIS DANA, Chap. 15
ESQ; GRANTING HIM LIBERTY OF ABSENCE.

On the petition of the honorable *Francis Dana*, Esqr; one of the Justices of the Supreme Judicial Court, praying for leave of absence from the Commonwealth, for the purpose of recovering his health.

Resolved, That the said *Francis Dana*, Esqr; have liberty to be absent from the Commonwealth untill such time as he shall have so recovered his health, as to be able to discharge the duties of his important Office.

June 12, 1787.

Chapter 16.

RESOLVE REQUESTING THE GOVERNOR TO DIRECT THE COMMANDING OFFICER STATIONED IN THE COUNTIES OF HAMPSHIRE AND BERKSHIRE, TO FURNISH GUARDS TO THE COMMISSIONERS TO SETTLE THE BOUNDARY LINE BETWEEN THIS STATE AND NEW-YORK. Chap. 16

Resolved, that his Excellency the commander in chief, be requested to direct the commanding officer of the troops stationed in the Counties of *Hampshire & Berkshire*, to furnish such guards from time to time, as the Commissioners for running the line of jurisdiction between this State and the State of *New York*, on the easterly part of the said State of *New York*, may require.

June 15, 1787.

Chapter 17.

RESOLVE INSTRUCTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO PREPARE THE ACCOUNTS OF MONIES ADVANCED TO THE FEDERAL TROOPS, AND FORWARD THEM TO THE DELEGATES OF THIS STATE IN CONGRESS. Chap. 17

Resolved, that the Committee for stating & methodizing the public accounts, be instructed to prepare the accounts of monies advanced towards raising the federal troops, & forward them without delay to the Delegates of this State in Congress, who are instructed to procure the same to be passed to the credit of this State, towards our quota of the specie requisition for the year 1785. *June 15, 1787.*

Chapter 18.

RESOLVE ON THE PETITION OF A COMMITTEE OF THE FIRST PARISH IN CAMBRIDGE. Chap. 18

On the Petition of a Committee of the first parish in *Cambridge*, praying that the inhabitants of that parish,

living between *Charles* and *Menotomy* rivers, & within the town of *Cambridge*, which limits comprehend the first company of militia in that town, may be authorized to raise by tax the sum of *Forty Pounds*, by assessors chosen from among themselves, for the purpose of equalizing the expence of raising & equipping the men, sent from that company in pursuance of the orders of his Excellency the Governor, during the last winter, for the purpose of restoring tranquillity to the three western Counties of this Commonwealth; Also that the same inhabitants may be authorized to raise in like manner, the further sum of *Fifty Three Pounds*, for the purpose of discharging the arrears of the expence incurred by raising & equipping men from the said company of militia for the Continental army, during the late war:

Resolved, That the inhabitants of the before described part of the first parish in *Cambridge* aforesaid, who are qualified to vote in town affairs, be, & they hereby are authorized to raise by tax on the polls & estates within the said limits, the sum of *Ninety three Pounds*, to be assessed by assessors to be chosen from among themselves, & when the list shall be finished & authenticated by the said Assessors, they are authorized to deliver the same to the Collector of taxes for the said parish, who is hereby required to collect the same, & to pay his collections to the parish Treasurer, to be disposed of, according to the order of the said Inhabitants, or a Committee to be by them appointed: And all officers concerned in assessing, levying, & disposing of this tax, shall have the same authority, right, power & jurisdiction, as similar officers have, with regard to any parish tax by any law now in being.

June 16, 1787.

Chapter 19.*

Chap. 19 REPORT OF COMMITTEE RESPECTING THE DIVIDING THE COUNTY OF *LINCOLN*, INTO THREE DISTRICTS, &c. AND ORDER DIRECTING THE SECRETARY TO TRANSMIT A COPY TO EACH TOWN AND PLANTATION IN SAID COUNTY, THAT THEY MAY SHEW CAUSE, &c.

The Committee of both Houses, on the Governor's message of the 4th inst. accompanied with a report of the Commissioners appointed the 6th *July* last, to treat

* The above report was first acted upon November 16, 1786.

with the *Penobscot* Tribe of Indians, and for certain other matters respecting the county of *Lincoln*, beg Leave further to report.

That in the Opinion of your Committee, it will be expedient That the present County of *Lincoln*, be hereafter formed into Three distinct Counties, and that the dividing Lines of the said Counties be now established, as the Establishment of those Lines would much facilitate the laying out of Townships, so as to prevent many Inconveniences in future that might otherwise arise — and until those Counties be incorporated, that the present County of *Lincoln*, remain in all other Respects as at present,— and that the dividing Lines of the intended Counties be as follows, *Viz.* The first County to be bounded on the one Side by the County of *Cumberland*, and the dividing Line between the said First County and the Second, to begin on the *Atlantic* Ocean, at the West Bounds of the Town of *Thomaston*, thence running Northerly by the West Line of said Town, to the Southeasterly Corner of the Town of *Warren*, to the Town of *Union*, then by the East Line of the last mentioned Town, to the Northeast Corner of the same, then North Seven Degrees East, to the North Line of *Waldo's* Patent, so called, then North to the High Lands. The dividing Line between the Second or Middle County, and the Third, to begin on the *Atlantic* Ocean, and extend Northerly with the Western Bounds of *Goldsborough*, to Township Number Two, thence with the South Line of that Township, to the Eastern Bounds thereof,— then with the said eastern Bounds as far as the Town extends — then on the same Course North, to the High Lands The Third or Eastward County to comprehend all the Lands within this Commonwealth, to the Eastward of the Line last described, — And that the Shire Towns of the said Counties, when incorporated agreeable to the above Division, be as follows, *Viz.* The Shire Town of the First County to be at *Pownalborough*, The Shire Town of the Second or Middle County, to be at Number Three on *Penobscot River*, and the Shire Town of the Eastern County, to be at *Machias*.

Your Committee are further of Opinion, that it will be expedient, that a Road should be opened from *Penobscot River*, to the Bay of *Passamaquady*, near the mouth of *Schooduck*, agreeable to the Report of the Commissioners aforementioned, and that Provision be made for that Pur-

pose, at the next Sitting of the General Court. It appears by the Report of the said Commissioners, that some of the Plantations in the said County of *Lincoln*, complain that by reason of the Laws not being forwarded to them, they are ignorant of the Mode of assessing the late Tax; to remove this, and prevent a similar complaint in future, your Committee apprehend that it is necessary that the Treasurer be directed to furnish such deficient Plantations in this Commonwealth, with the Laws and Resolves that shall from Time to Time be passed.

Your Committee having considered the several Matters contained in his Excellency's Message, with the Papers accompanying it, except what relates to certain irregular Marriages mentioned by the said Commissioners; it is their opinion that this be referred to future consideration, and ask leave to be discharged.

COTTON TUFTS, per order.

Read and accepted, and

Ordered, that the Secretary transmit to the several Towns and Plantations in the County of *Lincoln*, a Copy of such part of this report, as respects a division of that County, that they may appear on the second Wednesday in *November* next, if the General Court shall be then sitting, otherwise on the second Wednesday of the next session of the same Court after the said second Wednesday of *November*, to shew cause, if any they have, why the County of *Lincoln* shall not be divided into three separate Counties, in the manner proposed. *June 15, 1787.*

Chapter 20.

Chap. 20

RESOLVE ON THE PETITION OF HEZEKIAH SMITH.

Upon the Petition of *Hezekiah Smith*, praying that he may receive Compensation, on Account of his being ejected from a certain Estate which was conveyed to him by the Committee for the Sale of Absentees Estates for the County of *Essex*; for reasons set forth in his Petition,

Resolved, That the Attorney General be, & he is hereby authorized, & directed, to agree with the said *Hezekiah Smith*, on three good & disinterested men, to determine what Damages the said *Hezekiah Smith* is entitled to receive, by means of his being ejected from an Estate, which was confiscated, as belonging to one *John Gould*,

& sold to the said *Hezekiah Smith* by the Committee aforesaid, but which Judgment of Confiscation was afterwards reversed by the Supreme Judicial Court, The Men appointed as aforesaid, to hear the Parties, their several pleas & allegations, and make report to his Excellency the Governor and the Hon^{ble} the Council, of the full sum which the said *Hezekiah Smith* ought to receive for his being ejected as aforesaid — And his Excellency the Governor is hereby empowered & requested, by & with the advice & consent of Council, to issue his Warrant on the Treasurer in favor of the said *Hezekiah Smith*, for the sum which shall be reported as aforesaid, & the same shall be in full Satisfaction for any Damages the said *Smith* may have received on Account of the Premises aforesaid.

June 15, 1787.

Chapter 21.*

RESOLVE FOR RAISING FROM THE TROOPS IN SERVICE IN THE WESTERN COUNTIES, 500 MEN, AND NOT MORE THAN 800, FOR THE PROTECTION OF SAID COUNTIES, AND ALSO PARDONING AND INDEMNIFYING A CERTAIN DESCRIPTION OF CITIZENS, EXCEPTING NINE.

Chap. 21

Whereas it appears to this Court, that a considerable number of persons concerned in the rebellion and now lurking in the neighbouring States, do frequently enter into parts of the western counties, and commit robberies, burning of buildings, and other outrages, and threaten the peaceable and well-affected; whereby it has become absolutely necessary for their protection and security, that a force should be raised and kept in service, so long as the present circumstances shall continue.

Resolved, that his Excellency the Governor be, and he hereby is requested, to raise by detachment from the militia, or by voluntary enlistment from the troops now in actual service (if practicable,) and if not, from the citizens at large, a body of troops not less than five hundred men, nor more than eight hundred men, rank and file, as the public exigency, in his Excellency's opinion, shall require; to be formed into one regiment, and properly officered, to be stationed in the Counties of *Hampshire* and *Berkshire*, and in such places in those Counties, as the commanding Officer, under the direction of

* Taken from court record.

his Excellency, shall determine, and to be continued in service for six months, unless sooner discharged, in whole or in part, by the Governor, with the advice and consent of Council.

And whereas it is the intention of this Court, not only to adopt every vigorous and efficacious method necessary to suppress the present traiterous opposition to the laws, and to restore peace and harmony to the Commonwealth, but also to repeat the offers of grace and mercy to the penitent citizen, and to extend the same as far as may be consistent with the true interest of this Commonwealth, and the security of her citizens in future :

Therefore it is further *Resolved*, that each and every citizen of this Commonwealth, who have committed any treasons, or misprisions of treason, against the Commonwealth, since the first day of *June*, *A. D.* 1786, be, and they are hereby pardoned and indemnified for the same, and for all felonies which have been perpetrated since the time aforesaid, by any of the said Citizens, in the commissions of such treasons, and which are overt acts of the same : And each and every of the citizens aforesaid, are hereby discharged of all the pains, penalties, disqualifications and disabilities of the law in such cases provided : and any of the citizens aforesaid, may upon trial for any of the said offences, give this resolution in evidence upon the general issue, which shall have the same operation, as if specially pleaded, except as herein after provided.

And it is further *Resolved* that all and every of the citizens aforesaid. be, and they hereby are restored to all the rights and privileges of citizens, to all intents and purposes whatever ; any act or acts, resolution or resolutions, of the General Court, heretofore passed to the contrary notwithstanding, which acts and resolutions, so far as they affect the rights and privileges aforesaid, are hereby repealed and made void.

And it is further *Resolved*, that any of the citizens aforesaid, who have heretofore delivered up their arms, upon receiving a pardon or indemnity, or a promise of a pardon or indemnity, by force, or in pursuance of any act or resolution of the General Court of this Commonwealth, or who have had their arms taken from them, by any person or persons acting under the authority of this Government, shall be intitled to receive the said arms upon application to the officer under whose care the same

are deposited, and such officer is hereby directed to deliver the same accordingly.

Provided nevertheless, that nothing in these resolutions shall extend to, or in any manner avail *Daniel Shays*, of Pelham, in the County of *Hampshire*, Gentleman, *Luke Day*, of *West Springfield*, in the same County, Gentleman, Lieutenant Colonel *William Smith*, of the same County, *Eli Parsons*, of *Adams*, in the County of *Berkshire*, Gentleman, *Perez Hamlin*, of *Lenox*, in the same County, yeoman, *Elisha Manning*, of a place called the *Eleven Thousand acres*, in the same County, yeoman, *David Dunham*, of *Sheffield*, in the same County, yeoman, *Ebenezer Crittenden*, of *Sandisfield*, in the same County, yeoman, and *Jacob Fox*, of *Washington*, in the same County, Gentleman; but they and each of them shall be liable to be tried, convicted and punished for any of the offences aforesaid, in the same manner as if these resolutions had not been made. — And

provided further, that nothing in these resolutions shall extend to, or in any manner avail any of the citizens aforesaid, who not having taken and subscribed the oath of Allegiance to this Commonwealth, since the first day of *June*, *A. D.* 1786, shall not take and subscribe the said oath before any Justice of the Peace within the Commonwealth, on or before the twelfth day of *September* next: and a certificate of such oath shall be transmitted by the Justice, before whom the same shall be taken and subscribed, to the Secretary, to be deposited in his office.

And it is further *Resolved*, that nothing in these resolutions shall extend, or be construed to extend to any person or persons whatever, who stand convicted of any of the offences aforesaid, by due course of law, but the power of pardoning the same, remains subject to the discretion of the Governor, with the advice and consent of Council, agreeably to the Constitution of this Commonwealth.

And it is further *Resolved*, that nothing in these resolutions shall extend, or be construed to extend to bar any civil action already commenced or which may be hereafter commenced for the recovery of damages occasioned by the commission of any of the offences aforesaid, but such action may be commenced or prosecuted to final judgment and execution, in the same manner as if these resolutions had not been passed.

June 15, 1787.

Chapter 22.

Chap. 22 RESOLVE REQUESTING THE GOVERNOR TO ISSUE HIS PROCLAMATION, PUBLISHING INDEMNITY AND PARDON AGREEABLY TO THE RESOLUTION OF THE 13TH INSTANT.

Resolved, that his excellency the Governor, be requested to issue his proclamation publishing indemnity & pardon, agreeably to the Resolution of the General Court, of the 13th instant, and give the necessary directions relative thereto.

June 15, 1787.

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF THE TOWN OF *DUNSTABLE*.

Whereas the first and Second Parishes in the Town of *Dunstable*, have Petitioned this Court, that a resolve that Passed the General Court, in the year 1755, incorporating the Second Parish in the Said town, may be repealed; and it appearing to this Court reasonable, that the prayer of the said Petition should be granted: Therefore,

Resolved, that the Resolve that Passed the General Court, in the year 1755, for incorporating the Second Parish in the Town of *Dunstable*, be, and it hereby is repealed: Provided Notwithstanding,

and be it further *Resolved*, that each of the aforesaid Parishes Shall be, and they are hereby authorized, in their seperate capacitys respectively, to collect all debts, which may be now due to them, and shall be held to pay all Just demands against them severally, in the same manner, as tho this resolve had never passed.

June 16, 1787.

Chapter 23A.*

Chap. 23A RESOLVE GRANTING ONE HUNDRED AND FIFTY POUNDS TO THE COMMISSIONERS ON THE MASSACHUSETTS AND NEW YORK BOUNDARY LINE.

Resolved that the further sum of one hundred and fifty pounds be granted to the Commissioners appointed to settle the boundary line between this State & the State of New York on the easterly part of the State of New York, for the purpose of settling the said boundary line, the said Commissioners to be accountable therefor.

June 16, 1787.

* Not published in previous editions.

Chapter 24.

RESOLVE ON THE PETITION OF JOSEPH AARON, AN INDIAN. *Chap. 24*

on the Petition of *Joseph Aaron*, an Indian man, Praying for Liberty to sell eight acres of Land, for reasons sett forth in the said Petition :

Resolved, that the Guardians for the said *Joseph*, be, and they hereby are impowered, to sell the aforesaid Land, by publick Vendue or private Sale, as they shall think best, and Execute a good deed or deeds, to the Purchaser or Purchasers of the aforesaid Land ; the money arising by the said Sale, to be appropriated to the use of the said *Joseph*, at the Discretion of the said Guardians, they being accountable for the same.

June 16, 1787.

Chapter 25.

RESOLVE ON THE GOVERNOR'S MESSAGE, DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO PREPARE WITH ALL SPEED, THE ACCOUNTS AGAINST THE UNITED STATES, IN ORDER TO BE LAID BEFORE THE COMMISSIONER APPOINTED BY CONGRESS. *Chap. 25*

Whereas Congress, by their Ordinance of *May 7, 1787*, Ordained, that the several States, be, & they are therein limited to the space of 6 months, for exhibiting to the proper Commissioner, their Claims against the United States, of whatever nature the same may be ; And Whereas a Commissioner for this district may soon be expected to settle the Acco^{ts} of this State against the United States,

Therefore, *Resolved*, That the Committee for stating & methodizing the publick Acco^{ts} of this Commonwealth, be directed to prepare, as soon as possible, the acco^{ts} against the United States, in order to be laid before the Commissioner appointed by Congress, to liquidate & settle the same.

June 18, 1787.

Chapter 26.

RESOLVE EMPOWERING THE COMMISSARY AND QUARTER-MASTER-GENERAL TO PASS UPON SUCH ACCOUNTS OF SUPPLIES, AS MAY BE EXHIBITED BY THE SELECTMEN OF THE SEVERAL TOWNS. *Chap. 26*

Whereas the Selectmen of Several Towns in this Commonwealth, have supplied many specific articles, to the

Troops which have been raised for the service of the Government, in the Quarter Master General, and Commissary General's departments; and the circumstances attending the business, have been such, that official vouchers could not in all cases be obtained: therefore,

Resolved, that the Commissary General, and the Quarter Master General be, and they are hereby respectively empowered, to pass all such Accounts as may be exhibited by Selectmen for Supplies furnished the Troops in the service of the Government, on proper application therefor, as shall appear to them to be just and reasonable, the said Accounts not being accompanied with official Vouchers notwithstanding. provided the Commissary General & Quarter Master General, respectively, have satisfactory Evidence of the Truth of such Accounts.

June 18, 1787.

Chapter 27.

Chap. 27 RESOLVE ON THE PETITION OF JOSEPH McLELLAN, EMPOWERING HIM TO SELL THE ESTATE MENTIONED.

on the petition of *Joseph McLellan*, praying that certain real Estate in the County of *Cumberland*, may be sold; for reasons set forth in the said petition,

Resolved, that *Joseph McLellan*, agent on the Estate of *John Martin*, late of *Falmouth*, in the County of *Cumberland*, an absentee, be, and he is hereby empowered, to Sell the whole of the real Estate, belonging to the said *Martin*, which was adjudged to escheat to the Common Wealth, at a Court of Common pleas holden at *Falmouth*, on the last Tuesday of *October*, in the year of our Lord one thousand seven Hundred and Eighty-two, for the most the same Will fetch, and to make a good deed or deeds of Sale and Conveyance of the Same, he observing the rules and directions of the Law, for the Sale of real Estates by Executors and administrators, and giving bonds to the Judge of probate, for the County of *Cumberland*, that the proceeds of the said sales shall be disposed of, according to Law, so far as to Satisfy the Claims against the said Estate, and account with the said Judge for the balance.

June 18, 1787.

Chapter 28.

RESOLVE ON THE PETITION OF *SILVANUS HEMINGWAY*, GRANTING THE PRAYER OF SAID PETITION, AND AUTHORIZING THE JUDGE OF PROBATE, FOR *MIDDLESEX*, TO CAUSE COMMISSIONERS ON THE ESTATE OF *EBENEZAR HEMINGWAY*, TO SET AGAIN FOR THE PURPOSE MENTIONED. Chap. 28

on the Petition of *Silvanus Hemingway*, Praying that the Judge of Probate for the county of *Middlesex*, May be impowered to direct the Commissioners on the estate of *Ebenezer Hemingway*, late of *Framingham*, Deceased, to set again, to receive & examine the Petitioner's claims to the said *Ebenezer's* estate,

Resolved That the prayer of the said Petition be granted, & that the Judge of Probate for the county of *Middlesex*, be, & hereby is fully authorized, to cause the commissioners on the estate of *Ebenezer Hemingway* to set again, for the purpose of Receiving and examining the claims of the Petitioner against the estate of the aforesaid Deceased, notwithstanding the time allowed to the said commissioners for receiving the claims of the creditors to the said *Ebenezer's* estate, is expired : provided the petitioner Shall pay all cost, that shall arise in consequence of this resolve, if there shall not be found sufficient estate of the deceased therefor, after the claims already allowed by the said commissioners are satisfied. June 18, 1787.

Chapter 29.

RESOLVE ON THE PETITION OF *JOHN WALKER*, AND *LUCRETIA* HIS WIFE, LATE *LUCRETIA COLT*, AUTHORIZING THE JUDGE OF PROBATE FOR THE COUNTY OF *HAMPSHIRE* IN THIS CASE. Chap. 29

On the Petition of *John Walker*, & *Lucretia* his Wife, late *Lucretia Colt*, Executrix of the last Will & Testament of *Benjamin Colt*, late of *Hadley*, Deceased, & By the said will appointed Guardian of *Daniel Colt*, Son of the said *Benjamin*, Now A minor, under the age of twenty one years ; Praying, for Reasons set forth in said Petition, that Partition may be made of the said *Benjamin's* Estate, so far that the Share or Portion thereof, to which the said *Daniel* is Entitled Either by Law, or by the will aforesaid, may be set off to him, & holden in sever-

alty; & that the said *John Walker*, & *Lucretia*, may be empowered to make sale of the said *Daniel's* Share of the Real & Personal Estate Aforesaid, to Discharge the Debts incurred for his support & Education,

Resolved, that the Judge of Probate for the County of *Hampshire*, be, & he hereby is authorized & Empowered to order that the said *Daniel Colt's* share, in the Estate of *Benjamin Colt* aforesaid, be set off in Severalty, & that *John Walker*, & *Lucretia*, his Wife, be, & they are hereby authorized & Empowered to sell & Dispose of the said *Daniel Colt's* share, & to make, & Execute a Good & Lawful Deed, or deeds, of the Real Estate which may be set off to him as aforesaid, they observing the Directions of the Law, in such Cases made & Provided, & giving bond to the said Judge of Probate, that the Proceeds thereof be appropriated to the Discharge of the Debts already contracted, which may be allowed, & approved of, by the said Judge of Probate, for the Support & Education of the said *Daniel*, any Law or usage to the Contrary Notwithstanding.

June 18, 1787.

Chapter 30.

Chap. 30 RESOLVE MAKING VALID THE DOINGS OF ALL OFFICERS OF THE SEVERAL TOWNS WITHIN THIS COMMONWEALTH, AS SHALL BE CONFORMABLE TO THE DUTIES OF THEIR RESPECTIVE OFFICES; PROVIDED THOSE OFFICERS TAKE THE OATHS PRESCRIBED BY THE CONSTITUTION.

Whereas the Select-Men and other Town-Officers, of several Towns in this Commonwealth, have entered on the Business of their respective offices, having taken, but not subscribed the declaration & other oaths prescribed by a Resolution of the Genl Court, of the Tenth of *March* last past: And whereas doubts have arisen respecting the Validity of the Doings of such Officers:

Therefore *Resolved*, that the Doings of all such Officers, so far forth as they have been or shall be conformable to the Duties of their respective Offices be, & they are hereby established as legal & valid, the deficiency aforesaid notwithstanding. *provided*, those Officers shall subscribe the Declaration & Oaths, prescribed by the Resolution aforesaid, on or before the 31st day of *July* next.

June 18, 1787.

Chapter 31.

RESOLVE GRANTING A TAX OF £.650 TO BE LAID ON THE POLLS AND ESTATES WITHIN THE COUNTY OF HAMPSHIRE. *Chap. 31*

Whereas it appears from an Estimate of the Justices of the Court of General Sessions of the Peace for the County of *Hampshire*, that the Sum of *six hundred & fifty pounds*, will be necessary for defraying the Charges of the said County, for one year next ensuing the 3rd Tuesday of *May* last.

And whereas the Disturbances & commotions that have taken place within the said County the year past, have been such, that it is impossible at present, for the Treasurer of the said County, to render his Account for the last year's tax, according to a Law in such Cases made and provided :

Resolved, that there be, and there hereby is granted, a Tax of *six hundred and fifty Pounds*, to be apportioned and assessed on the Poles and Estates within the said County, and collected, paid and applied for the use of the County aforesaid, agreeably to the Laws of this Commonwealth ; any Law to the contrary notwithstanding.

June 18, 1787.

Chapter 32.

RESOLVE ON THE PETITION OF ISAAC TOBEY, IN BEHALF OF THE TOWN OF BARRE, AND WILLIAM TUCKER, IN BEHALF OF THE TOWN OF SHERBURN, DIRECTING THE TREASURER TO RECEIVE SECURITIES FOR NOT SENDING REPRESENTATIVES, IN 1782 AND 1786. *Chap. 32*

On the Petition of *Isaac Tobey*, in behalf of the Town of *Barre*, and *William Tucker*, in behalf of the Town of *Sherburn* :

Resolved, that the Treasurer be, and he is hereby directed, to Receive of the Town of *Barre*, the sum of *Forty Pounds*, in Consolidated Securities of this Commonwealth, in full discharge of a Fine for not sending a Representative to the General Court, in 1782 ; and the sum of *Twelve Pounds ten shillings*, in the said Securities, of the Town of *Sherburn*, in full discharge of a Fine of that sum, for not sending a Representative the last year.

June 18, 1787.

Chap. 33

Chapter 33.*

[May Session, ch. 33, 1787.]

Chapter 34.

Chap. 34 RESOLVE ON THE PETITION OF DANIEL WARNER AND NATHANIEL WARNER, EMPOWERING THE JUDGE OF PROBATE FOR ESSEX, TO RECEIVE THE REPORT OF THE COMMITTEE MENTIONED.

On the Petition of *Daniel Warner*, & *Nathaniel Warner*, both of *Glocester*, in the County of *Essex*, *Samuel Holten*, Esqr; and *Mary* his Wife, *Susanna Warner*, of said *Glocester*, *Abigail Collins*, *Susanna Warner* of *Boston*, a minor, only child of *Elias Elwell Warner*, by *Nathaniel Warner*, her Guardean, *Ezekiel Warner* of said *Glocester*, *William Warner* of said *Glocester*, a minor by said *Daniel Warner*, his Guardean, *William Parker* of *Newbury port*, in said County of *Essex*, & *Mary* his wife, *Gustavus Norwood* of *Glocester*, aforesaid, and *Abigal* his Wife, *Ezra Day* of said *Glocester*, and *Susanna* his Wife, and *Philemon Warner* of the said *Newbury port*, a minor, by *Ezekiel Warner* his friend, Praying that a partition of the Estates of *Philemon Warner* and *Mary Warner*, the Widow of the said *Philemon Warner* of *Glocester*, in the County of *Essex*, dec'd, may be confirmed — For reasons set forth in the said petition.

Resolved, that the prayer thereof be so far Granted, that the Judge of Probate for the County of *Essex*, be, and he is hereby empowered to receive the report of the Committee appointed to make partition of the said Estates, (if it shall appear to him that all the Heirs interested in the said Estates are satisfied with the said partition) and to confirm the same, any law of this Commonwealth to the contrary notwithstanding.

June 19, 1787.

Chapter 35.

Chap. 35 RESOLVE ON THE PETITION OF AMASA DAVIS ESQ; QUARTER MASTER GENERAL, ESTABLISHING PAY FOR QUARTERING THE TROOPS, AND HORSE KEEPING, WHILE THE TROOPS ARE IN SERVICE.

Upon the Representation of *Amasa Davis*, Esq; Quartermaster General :

* Governor's message, see end of volume.

Resolved, that from and after the first Day of *May* last, until the first Day of *October* Ensuing, the Allowance for Quarters and fuel for the Troops, be at the Rate of *one penny, half-penny* per Day, — And that from and after the first day of *June* Instant, to the 15th Day of *October* following, the Allowance for Horse Keeping, be at the Rate of *four pence* per Day, for any number of Days less than a week, and at the Rate of *one Shilling and Six pence*, per week any resolve to the contrary notwithstanding.

Provided nevertheless that in case the Troops shall be continued in Service after the said 15th Day of *October*, the Same Rates of Charge be observed as was provided by the Resolve of the General Court, Passed the first day of *May* last.

June 19, 1787.

Chapter 36.

RESOLVE ON THE PETITION OF *JAMES WICKER*.

Chap. 36

On the Petition of *James Wicker*, praying that he may be Licenced as an Innholder in the Town of *Paxton*, for reasons set forth in said Petition.

Resolved, That the Prayer of the Petition be granted, and that two Justices of the Peace within and for the County of *Worcester*, *quorum unus*, be, and they are hereby authorized & empowered to grant him the said *James Wicker*, a Licence as an Innholder in the Town of *Paxton*, in the said County of *Worcester*, until the next licence term, he complying with the requisitions by law in that case made and provided.

June 19, 1787.

Chapter 37.

RESOLVE ON THE PETITION OF *BENJAMIN ADAMS*, AUTHORIZING HIM TO ENTER HIS APPEAL AT THE SUPREME COURT OF PROBATE AT SALEM, AND EMPOWERING THE SUPREME COURT TO TAKE COGNIZANCE OF THE SAID CAUSE.

Chap. 37

Resolved, That *Benjamin Adams*, of *Rowley*, in the County of *Essex*, Administrator on the Estate of *Samuel Adams*, late of *Abington*, in the County of *Plymouth*, deceased, Be, and hereby is Authorized And empowered to enter his Appeal, at the Supreme Court of Probate to be holden at *Salem*, within and for the County of *Essex*, on the first Tuesday in Nov^r next, From a Decree of the

Judge of probate, for the County of *Plymouth*, on the Administration Account of the Said *Benj^m Adams*, made the fifth Day of *September*, A. D. 1785: And the Said Supreme Court of probate is hereby Authorized and empowered to take Cognizance of the Said Cause in the Same manner as if the Same was Regularly pending before the Said Court, And the said *Benj^m Adams*, is hereby Directed to notify the Adverse party of this Resolve, thirty Days at Least before the Sitting of the Said Court.

June 19, 1787.

Chapter 38.

Chap. 38 RESOLVE ON THE PETITION OF *DAVID FISK*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE.

On the Petition of *David Fisk*, praying for a rehearing in the Action of *Jesse Eames* against the said *Fisk*, who was defaulted.

Resolved, For reasons sett forth in the said Petition, that *David Fisk*, notify the said *Jesse Eames*, by serving him with an attested Copy of his Petition, and this order thereon, thirty days preceeding the second Wednesday of the next Session of the General Court, to shew cause if any he has, why the Prayer of the said Petition should not be granted, and that Execution be stayed in the mean time.

June 19, 1787.

Chapter 39.

Chap. 39 RESOLVE ON THE PETITION OF *BENJAMIN BONNEY*, IN BEHALF OF THE TOWN OF *CHESTERFIELD*, AND *BENJAMIN BURGES*, AND OTHERS, IN BEHALF OF *GOSHEN*, DIRECTING THE TREASURER TO CREDIT *CHESTERFIELD*, WITH 1101 LB. OF BEEF, AND TO CALL ON *GOSHEN* FOR FIFTY POUNDS FIFTEEN SHILLINGS AND FOUR PENCE, DUE ON ACCOUNT OF BEEF REQUISITIONS.

On the Petition of *Benjamin Bonney*, Agent for the Town of *Chesterfield*, and *Benjamin Burges*, *Thomas Brown* & *Christopher Banister*, Selectmen of the Town of *Goshen*, Representing that an Execution hath been Issued by the late Treasurer of this Commonwealth, against the Said Town of *Chesterfield*, for their Deficiency in Payment of the Several Requisitions of Beef laid upon the Town of *Chesterfield*, before the Town of *Goshen* was set off therefrom, which Execution they conceive to be

for a much larger Sum than is actually due from the Said Town, and they further Represent, that by mutual consent of the Parties, the Town of *Goshen* shall be charged with any Deficiency that shall appear,

Therefore, *Resolved*, that the Treasurer of this Commonwealth, be, and he hereby is directed, to Credit the Town of *Chesterfield* for Eleven hundred & one pounds of Beef, which Appears to have been omitted through mistake, and also Discharge the Said Town of *Chesterfield*, from the Said Execution, and the Treasurer is hereby further Directed to call upon the Town of *Goshen*, for *fifty pounds fifteen shillings & four pence*, which Sum Appears now to be due on the Several Requisitions of Beef that were laid on the Town of *Chesterfield*.

June 19, 1787.

Chapter 40.

RESOLVE ON THE PETITION OF *JOSEPH LOVERING*, DIRECTING THE TREASURER TO GIVE CERTAIN GOVERNMENT SECURITIES IN LIEU OF THEM LOST, GIVING BOND. *Chap. 40*

on the Petition of *Joseph Lovering*, praying for the Renewal of Certain Government Securities lost in the late Fire in *Boston*,

Resolved, that the Treasurer of this Commonwealth, be, & he is hereby directed, to give to the Said *Joseph Lovering*, Two Notes, *Viz.* Number 18,617 date *June 1, 1783*, for *one hundred & Eleven pounds Five shillings*, and Number 18,618 of the Same date, for *one hundred & four pounds, Eleven shillings*, & Indorse on Said Notes, the Interest that has bin paid on the original Notes, the said *Lovering* giving bond to the Treasurer, to Indemnify the Commonwealth against any demands that May be Made for the payment of the original Notes, Should they be produced.

June 19, 1787.

Chapter 41.

RESOLVE ON THE PETITION OF *ANN SCOTT*, DIRECTING THE TREASURER TO GIVE HER A NOTE IN LIEU OF ONE LOST IN THE LATE FIRE. *Chap. 41*

on the petition of *Ann Scott*, praying for the Renewal of a State Note, lost in the late Fire in *Boston*,

Resolved, that the Treasurer be, & he is hereby directed,

to give the said *Ann Scott*, a Note for *Twenty Two pounds*, dated *March 1, 1782*, & Indorse thereon, the Intirest paid on the Note which has bin destroyed, the Said *Ann Scott* giving Bond To the Treasurer, to indemnify the Commonwealth against Any demand that May be Made for the original Note, should it be produced.

June 20, 1787.

Chapter 41A.*

Chap. 41A ORDER ON THE PETITION OF *JOHN AND AARON BURNAM*.

Order on the Petition of *John Burnam* and *Aaron Burnam* praying that the Decree of the Judge of Probate of Wills &c. for the County of *Cumberland* on the estate of *Job Burnam* the 2^d may be confirmed for reasons set forth in their petition.

Ordered that the Petitioners notify the heirs of the said *Job Burnam* the 2^d by publishing the substance of their petition and this order in the *Cumberland Gazette* three weeks successively fourteen days at least before the second wednesday of the next sitting of the General Court that they may then shew cause if any they have why the prayer thereof should not be granted.

June 20, 1787.

Chap. 42

Chapter 42.†

[May Session, ch. 42, 1787.]

Chapter 43.

Chap. 43 RESOLVE DIRECTING THE TREASURER, TO DISCHARGE A WARRANT OUT OF THE SPECIE PART OF TAX No. 5, DRAWN IN FAVOUR OF THE COMMISSIONERS, *TIMOTHY EDWARDS*, ESQ; AND OTHERS.

Resolved, that the Treasurer be, and he is hereby directed, to discharge the Warrant drawn by the Governor, with Advice of Council, in Favour of the Hon^{ble} *Timothy Edwards*, Esq; & others, bearing Date ye 20th Instant, and being for the Sum of *One Hundred and Fifty Pounds*, out of the Specie Part of the Tax No. 5, appropriated to the Use of Government.

June 21, 1787.

* Taken from court record. Not printed in previous editions.

† Governor's message, see end of volume.

Chapter 44.

RESOLVE DIRECTING THE TREASURER TO BORROW *THREE THOUSAND POUNDS* FOR THE TROOPS IN THE WESTERN COUNTIES, ORDERED TO BE RAISED. Chap. 44

Whereas it is absolutely necessary that monies should be immediately obtained for the purpose of enlisting the men, ordered to be raised in consequence of a Resolve passed the 13th day of the present month :

Resolved, that the Treasurer of this Commonwealth, be, and he is hereby empowered & directed, to borrow a sum not exceeding *Three thousand pounds*, for the purpose of paying to each officer and soldier, one half month's pay advance on engaging & enlisting into the service aforesaid, and the residue of the sum borrowed to be paid to the Officers & Soldiers who have already served in suppressing the rebellion, in proportion as wages may be due to them, not exceeding half a month's pay to each man.

Resolved, That the sum or sums which shall be borrowed by virtue of the foregoing resolution, shall be repaid with interest at the rate of six per cent. per annum, out of the first monies that shall arise from that part of the revenue of the Impost & Excise which is appropriated for the exigencies of Government, or from the specie part of the tax granted in *March* 1786, and which have not been already appropriated, or from the first monies which may arise from any additional or new duties & excises, or tax on polls & estates, which may hereafter be collected or levied.

Resolved, That the Governour be, & he is hereby requested, with advice of the Council, to issue a warrant upon the Treasury of this Commonwealth, for such sum or sums of money as may be borrowed agreeably to the foregoing resolve, and to give Order for the forwarding the same as soon as possible to such officer or officers, & with such directions for the purposes mentioned, as he may think proper.

June 21, 1787.

Chapter 45.

RESOLVE ON THE REPRESENTATION OF THE MANAGERS OF THE STATE LAND LOTTERY, POSTPONING THE DRAWING OF THE SAID LOTTERY UNTIL A RETURN OF THE DISPOSITION OF THE SAID TICKETS SHALL BE OBTAINED. Chap. 45

Whereas it appears to this Court, from a Representation of the Managers of the State Land Lottery, that no

Account is yet received in regard to the disposition of a Number of Tickets sent into the County of *Lincoln*, to be sold there :

Resolved, that the drawing the said Lottery, which was to have commenced on the 20th day of *June* instant, be & hereby is postponed, until a Return of the disposition of the said Tickets shall be obtained, and that the said Managers be directed to procure such Return as soon as may be, & proceed in drawing the said Lottery without delay, giving publick Notice of the Time and place of drawing the same.

June 21, 1787.

Chapter 46.

Chap. 46 RESOLVE ON THE PETITION OF *NAOMI WILLARD*, EMPOWERING HER TO SELL THE LAND MENTIONED.

On the petition of *Naomi Willard*, Administratrix on the Estate of *Benjamin Willard*, lately of *Stockbridge*, in the County of *Berkshire*, dec^d, praying for leave to sell a tract of Land belonging to the said Estate.

Resolved, that the said *Naomi* be, and she hereby is authorized & impowered to make sale of the following tract of Land, lying in *Stockbridge* aforesaid, containing about fourteen Acres, bounded east on the highway, north and west on *Housatonick river*, & south on the Land of *Bulah Waldo*, & that her deed or deeds conveying the same, shall be valid and effectual, any law, usage or Custom to the contrary notwithstanding :

Provided always, however, that the said *Naomi*, previous to making any sale & disposition of the said described premises, shall give Bond with sufficient sureties to the Judge of Probate, to Account for the proceeds of the sale of the said Land, at the real value thereof.

June 21, 1787.

Chapter 47.*

Chap. 47 RESOLVE ON THE PETITION OF THE SELECTMEN OF *MONSON*, RELEASING THEM FROM BEING AT ANY COST OR CHARGE TOWARDS REPAIRING THE ROAD BETWEEN *SCOTT'S BRIDGE* AND *WILBRAHAM LINE*.

Whereas it appears to this House, for the reasons set forth in the Petition of the Selectmen of the Town of

* Taken from court record.

Monson, praying that the road between *Scott's Bridge* so called, and *Wilbraham* line, be hereafter kept in repair wholly by the Town of *Palmer*: Wherefore

Resolved, that the Town of *Monson* be, and they are forever hereafter excluded and released from being at any cost or charge towards repairing the road between *Scott's Bridge* and *Wilbraham* line; and the said road shall at all times hereafter be kept in repair wholly at the cost and expence of the Town of *Palmer*, any law or resolve to the contrary notwithstanding. June 21, 1787.

Chapter 48.

RESOLVE ON THE PETITION OF THE TOWNS OF *MEDFIELD*, *Chap. 48*
NEEDHAM AND DISTRICT OF *DOVER*, IN *SUFFOLK* COUNTY,
 DEFERING THE CONSIDERATION OF SAID PETITION TILL THE
 SECOND WEDNESDAY OF THE NEXT SESSION OF THE GEN-
 ERAL COURT, AND THE RESOLVE REFERED TO, NOT TO
 OPERATE, AND THE TOWN OF *DEDHAM* TO BE NOTIFIED TO
 SHEW CAUSE, &c.

on the Petition and Remonstrance of the Towns of *Medfield*, *Needham* and District of *Dover*, in the County of *Suffolk*, Relating to a Resolve of the General Court, passed the 6th day of *March* last, Impowering and Directing the Court of General Sessions, to Rebuild a Bridge over *Charles River* in *Dedham* — And Assess the Charge thereof on Said *Dedham*, *Medfield*, *Needham* & *Dover*.

Resolved, that the Consideration of the Said Petitions and Remonstrance — be deferred till the Second Wednesday of the next Session of this Court; And that the Resolve aforesaid for Rebuilding the Said Bridge, Shall not operate untill the final hearing and Determination of this Court, Concerning the same; And that the Committee of Sessions, and the Said Town of *Dedham*, be notified by the Said Town of *Needham*, by an Attested Copy of this Resolve, fourteen days before the Said Second Wednesday, then to Shew Cause if any they have, why the Said Petitions from *Needham*, *Medfield* and *Dover*, or either of them, Shall not be granted, And that all parties Conform themselves accordingly.

June 21, 1787.

Chapter 49.

- Chap. 49* RESOLVE ON THE PETITION OF *JOHN RUSSELL* OF *SPRINGFIELD*, DIRECTING THE SECRETARY TO CAUSE ALL ACTS, &c. WHICH RESPECT THE COMMONWEALTH IN GENERAL, OR THE COUNTIES OF *HAMPSHIRE* AND *BERKSHIRE*, TO BE PUBLISHED IN THE *SPRINGFIELD* AND *NORTHAMPTON* PAPERS, AND ADVERTISEMENTS FOR THE SALE OF NON-RESIDENT LANDS.

Upon the Petition of *John Russell* of *Springfield* in the County of *Hampshire*, Printer.

Resolved, that the Secretary be, and he hereby is directed to cause all such Acts, Resolves, and other Doings of the Legislature, which respect the Commonwealth in general, or the Counties of *Hampshire* & *Berkshire* in particular, or either of them, and which shall be thought necessary to be inserted in any of the *Boston* News Papers, to be also published in the Papers printed at *Springfield*, and at *Northampton*, in the said County of *Hampshire*.

And it is further *Resolved*, that all such Advertisements, for the Sale of non-resident Lands for payment of Taxes, as by Law are directed to be inserted in any *Boston* News-Paper, shall in future be also published in the Papers printed at *Springfield* and *Northampton*, when the Lands to be sold lie in either of the Counties of *Hampshire* or *Berkshire*, any Law or Resolve to the contrary notwithstanding.

June 22, 1787.

Chapter 50.

- Chap. 50* RESOLVE ON THE PETITION OF *RUTH GAY*, WIFE OF *MARTIN GAY*, AUTHORIZING HER, IN HER OWN NAME, TO COMMENCE ANY ACTION FOR THE RECOVERY OF MONIES DUE.

On the petition of *Ruth Gay*, wife of *Martin Gay*, an absentee :

Resolved, That *Ruth Gay* be, and she is hereby authorized and impowered, to commence & institute in her own name, any action or actions at Law, for the recovery of any monies, due from any person or persons for the use or improvement of the Real Estate, late belonging to her said husband, during the late war, and the same actions to prosecute to final judgment & Execution, in as full & ample a manner as though she now was, and always dur-

ing the late War, had been a femme sole, and the fee of the said estate had been in her, and the contracts for rent made by, and with her.

provided always, that any receipts heretofore given by the said *Ruth*, or the Agent on the Estate of the said *Martin Gay*, shall be good & valid in law, & any receipts, discharges, or acquittances hereafter executed, by the said *Ruth*, for such rents due as aforesaid, shall be good & valid to all intents & purposes. June 25, 1787.

Chapter 51.

RESOLVE ON THE PETITION OF *WILLIAM PYNCHON*, ESQ; *Chap. 51*
DIRECTING THE TREASURER TO RECEIVE A SUM IN CONSOLIDATED NOTES.

Resolved, that the Treasurer of this Commonwealth Be, And hereby is Authorized And empowered, to Receive of *William Pynchon*, Esqr; the Sum of *One hundred And eighteen pounds, thirteen shillings And nine pence*, in Consolidated notes of this Commonwealth, the Same being for the Sum of *Sixty four pounds, thirteen shillings, And nine pence*, Due from him, in *April*, Seventeen hundred And Seventy Six, And the Interest thereon to this time, for Reasons Set forth in his Petition.

June 22, 1787.

Chapter 52.

RESOLVE ON THE PETITION OF *DANIEL MERRIL*.

Chap. 52

On the petition of *Daniel Merrill*, praying that Judgment rendered against him in favor of *Thomas Durrell*, at a Court of Common Pleas, held at *York*, for and within the County of *York*, at *April* Term last past, may be set aside for Reasons :

Resolved, that the prayer of the said Petition be so far granted, that the Petitioner serve the said *Thomas Durrell* with an attested Copy of the said Petition, & of this resolve, fourteen days at least before the second Thursday of the next setting of this General Court, then to shew Cause (if any he has) why the prayer of the said Petition should not be granted, and that Execution be stayed in the mean time. *June 22, 1787.*

Chapter 53.

Chap. 53 RESOLVE ON THE PETITION OF *EZRA JEWELL*, EMPOWERING HIM TO RE-ENTER THE ACTION MENTIONED.

On the petition of *Ezra Jewell*, of *Almsbury*, representing, that at a Court of common pleas, began and held at *Concord*, *March 14*, 1786, *John Hunt*, of *Watertown*, recovered Judgment against him for *one hundred pounds*, and praying he may be empowered to re-enter the said Action, for reasons set forth in the said petition :

Resolved, that the prayer thereof be granted, and that the said *Ezra Jewell* be, and he is hereby authorized and empowered, to re-enter the said Action at the Court of common pleas next to be holden at *Concord*, in and for the County of *Middlesex*, on the second Tuesday of *September* next : and that the said Court of common pleas be, and they are hereby authorized and empowered, to take cognizance of the said Action, and to proceed thereon in the same way and manner as they would have done, if the said action had been regularly brought, and the writ returnable to the same Court, and had been there entered by the said *John Hunt*, and that the said *Ezra Jewell* serve the said *John Hunt* with an attested copy of this Resolve, fourteen days at the least before the holding the aforesaid Court, and that the Judgment aforesaid be, and hereby is vacated, and the Execution thereon stayed.

and it is further *Resolved*, that the resolve of the General Court, passed the 2nd day of *March* last, rendering the said *John Hunt's* Execution against the said *Ezra Jewell* valid and good in law, be, and the same is hereby repealed and rendered null and void. *June 23*, 1787.

Chapter 54.

Chap. 54 RESOLVE ON THE PETITION OF *THOMSON MAXWELL*, IN BEHALF OF THE TOWN OF *BUCKLAND*, DIRECTING THE TREASURER TO CREDIT SAID TOWN, &c.

On the Petition of *Thomson Maxwell*, in behalf of the town of *Buckland*, praying for an Abatement of two Taxes assessed and apportioned on the said Town, soon after their Incorporation :

Resolved, for Reasons set forth in the said Petition, that the Prayer thereof be granted, and that the Treasurer of

this Commonwealth be, and he hereby is authorized & directed, to credit or remit to the Town of *Buckland*, the Taxes assessed on the said Town for the years 1779 & 1780, amounting in the whole to *fifty Pounds* in Specie, any Law or Resolution to the contrary notwithstanding.

June 25, 1787.

Chapter 55.

RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THOSE STATES WHERE THE INSURGENTS HAVE TAKEN RESIDENCE, &c. *Chap. 55*

Whereas by a resolution of the General Court, of the 13th day of this present month, the clemency of Government is extended to all who have been concerned in the present rebellion, except nine of the principal offenders, and those who stood convicted of being concerned in the Rebellion aforesaid, by due course of Law; which act of benignity & mercy, ought to induce those unhappy men to return to the open Arms of their country, and again enjoy the blessings of a free Government; But should they still continue their delusion, infatuation & crimes, the whole force of the Commonwealth must if necessary be exerted to reduce them, & protect the well affected to constitutional government.

And whereas by the constitution it is out of the power of the Governor, to transport any of the inhabitants of the Commonwealth, or oblige them to march out of the limits of the same, without their free & voluntary consent, or the consent of the General court.

And whereas also, it may become necessary to obtain the consent of the States, where any of the rebels have taken refuge, to march the troops of this State within the limits of such States respectively, in order to prevent an accumulation of force from thieves & other fugitives joining the rebels, which might render them formidable to other States, as well as this.

Resolved, That his Excellency the Governor be, and he hereby is requested, to make known to the States which have adopted measures for rendering efficacious the exertions of this Government for the suppression of the rebellion, the just sense the Legislature entertain of their generous & friendly disposition, and to request of them, and all other States where any of the rebels may lurk for

the purpose of making inroads into this State, that the troops of this State, if necessary, may be permitted, under such restrictions and limitations as may be by them adopted to preserve the tranquility of the respective States and the security of the citizens thereof, to march the troops of this Government into the limits of the States where any of the rebels may have taken residence for rebellious purposes or with an intention of plundering, captivating, or annoying any of the citizens of this Commonwealth; and having obtained such permission, his Excellency the Governor is hereby authorized & empowered to march the forces of Government, out of the limits of the Commonwealth, (& to encounter, resist, and pursue by force of Arms, as well without, as within the limits of this Commonwealth,) and also to kill, slay and destroy, if necessary, and conquer by all fitting ways, enterprises and means whatsoever, all and every of the rebels aforesaid, and all who may join, aid, abet and support them, & who in a hostile manner shall attempt or enterprize the destruction, invasion, detriment, or annoyance of this Commonwealth.

And whereas it may become necessary, should the lenient measures, which have been adopted, not produce the effect thereby designed, to make further provision to enable the Supreme executive totally to suppress the rebellion: Therefore

Resolved, that his Excellency the Governor be, and he hereby is requested, agreeably to the Constitution, should the safety & protection of the well affected to Government, in his opinion, require it, to raise by voluntary enlistment or draft from the militia, such a force, as in his opinion shall be necessary, wholly & effectually to subdue all persons who may at any time be in arms against the Government of this Commonwealth, and the whole expence arising thereby shall be defrayed out of the first monies which may come into the Treasury for the use of Government, from any taxes or duties already laid, or which may be hereafter granted, and which have not yet been appropriated,

And whereas some of the persons to whom offers of mercy have been repeatedly made, may be encouraged from a mistaken Idea of the lenity of Government, to persist in their wicked & destructive courses, in expectation that the Legislature will renew their acts of grace after a commission of new offences.

Resolved, As the determination of the General Court,

that no further acts of grace & clemency, consistent with the dignity of Government, and that safety & protection which ought to be extended to the peaceable & well affected citizens of the Commonwealth, can be made to the persons aforesaid.

June 29, 1787.

Chapter 56.

RESOLVE DECLARING *GIDEON DUNHAM* TO BE THE PERSON INTENDED IN A RESOLUTION PASSED THE 13TH DAY OF *JUNE* INSTANT, TO BE EXCEPTED OUT OF THE SAID RESOLUTION OF INDEMNITY. Chap. 56

Whereas by a resolution of the General Court, of the 13th day of this present month, the clemency of Government is extended to all Persons who have committed any Treasons or misprisions of Treason during the present rebellion, excepting certain persons therein described & named; and whereas one of the persons so excepted is therein named *David Dunham*, which christian name was inserted by a mistake, and the person thereby was intended, is *Gideon Dunham* of *Sheffield*, in the County of *Berkshire*, yeoman, and the said *Gideon Dunham* being a malignant & incorrigible offender,

It is *Declared & Resolved*, that the said *Gideon Dunham*, is the person meant & intended to be excepted out of the said Resolution of indemnity, & the said *Gideon Dunham* shall not by virtue thereof receive any benefit or advantage whatsoever, but is excepted therefrom, & shall be so adjudged: and it is hereby further

Resolved, that the said *David Dunham* shall not be Considered as within the Exceptions of the said Resolutions.

June 25, 1787.

Chapter 57.

RESOLVE ON THE PETITION OF THE TOWN OF *BUXTON*, DIRECTING THE TREASURER TO DISCHARGE SAID TOWN FROM THE PAYMENT OF A CERTAIN SUM OF MONEY. Chap. 57

On the Petition of the Town of *Buxton*, setting forth that they are called upon by the Treasurer of this Commonwealth, for the payment of several taxes which were laid on the said Town when a plantation, from 1761, to 1772, and praying for an Abatement of the said Taxes, for Reasons set forth in the said Petition:

Resolved, that the Treasurer of this Commonwealth, be,

& he hereby is directed, to discharge the said Town of *Buxton*, from the payment of *one hundred & twenty pounds one shilling & eight pence three farthings*, which Sum it appears the said Town now stands chargeable with, from the Year 1761, to the year 1772, while unincorporated, and which Sum never has been assessed on the Inhabitants of the then plantation.

June 25, 1787.

Chapter 58.

Chap. 58 RESOLVE ON THE PETITION OF *THOMAS DALRYMPLE*, GRANTING HIM £.4 10, FOR THE LOSSES HIS SON SUSTAINED.

On the petition of *Thomas Dalrymple*, Praying that he may receive wages for his Son's time while in Captivity, and also that he may Receive Compensation for a Gun, Blanket, and other articles that were Taken from him by the enemy.

Resolved, that the Prayer of the petition be so far granted, that there be allowed and paid out of the Treasury of this Commonwealth, to the said *Thomas Dalrymple*, the sum of *Four pounds ten shillings*, in full Compensation for the Losses his son Sustained, as mentioned in the aforesaid Petition.

June 29, 1787.

Chapter 59.

Chap. 59 RESOLVE ON THE PETITION OF *WILLIAM WARD*, IN BEHALF OF THE PLANTATION No. 5, DIRECTING THE PETITIONER TO SERVE THE TOWN OF *CUMMINGTON*, THE DISTRICT OF *PLAINFIELD*, AND THAT PART OF THE SAID No. 5, TO SHEW CAUSE.

On the Petition of *William Ward*, in behalf of the Plantation No. 5, now Incorporated into the Town of *Cummington*, the Destrict of *Plainfield*, and part thereof into the town of *Windsor*, praying for liberty to Assess a Tax of *two pence* per Acre on all the lands formerly included in the said Plantation No. 5, before it was Incorporated, to defray the Expence of hiring preaching & other Charges, for reasons set forth in said Petition.

Resolved, That *William Ward* the Petitioner, Serve the Town of *Cummington*, the Destrict of *Plainfield*, and that part of the said No. 5, which has been annexed to the town of *Windsor*, each, with an attested Copy of the said Petition, and this Resolve thereon, by leaving the same with each of the said Towns, and the said Destrict

Clerks, at least thirty days before the second Wednesday of the next Setting of the General Court, to shew cause on the said Second Wednesday, if any they have, why the prayer of the said Petition should not be Granted; And that all Executions which have been Issued against any Individual or Individuals for the said Expence, be Stayed in the Mean time.

June 29, 1787.

Chapter 60.

RESOLVE ON THE PETITION OF NATHANIEL TREDWELL, DIRECTING THE TREASURER TO ISSUE NEW NOTES IN LIEU OF THOSE FORGED. Chap. 60

On the Petition of *Nathaniel Tredwell*, Setting Forth, that Wages Ware Due to him, for his Services As a Soldier in the Continental Army, but that Previous to His making applycation to the Treasurer For his Notes, A Forged Order was Presented Therefor, by one *Stephen Curtis*, And Notes Made out, & Delivered accordingly; wherefore he Hath Never Been able to obtain his Said Wages, Notwithstanding he made applycation before the first of *December* Last: And whereas it appears to this Court, that the Said order was False & Forged: Therefore

Resolved, that the Treasurer be, & he hereby is Directed, to Issue a Note or Notes, to the Said *Nathaniel Tredwell*, to the Amount of the wages Due to him as afore Said, in the manner Prescribed by Law; And Take Every Possible measure, for Detecting And Bringing to Justice, the Perpetrators of the Forgery & Fraud Aforesaid.

June 29, 1787.

Chapter 61.

AN ADDRESS OF THE TWO BRANCHES OF THE LEGISLATURE TO HIS EXCELLENCY THE GOVERNOR, RELATIVE TO HIS RELINQUISHMENT OF £.300 TO BE DEDUCTED FROM HIS SALARY AS GOVERNOR. Chap. 61

May it please your Excellency,

YOUR Excellency's message of the 21st Inst. containing an offer of *Three Hundred pounds* to be deducted from your Salary, as Governor, for the present year, has been attended to, & considered by the two Branches of the Legislature, not only as a proof of your Excellency's

Generosity, but as a mark of your attention to the peculiar situation of the People, & the Embarrassed State of our public affairs.

The Patriotism & Benevolence of your Excellency, having been so often experienced in your various Stations, we are convinced of the Sincerity of the Sentiment expressed in your Message, that it always gives you the highest pleasure, when consistent with your Idea of the publick good, to meet the wishes of the People.

The embarrassed situation of this State, pleads in behalf of our Constituents to accept your generous & unsolicited favour, tho at the Same time, we would not wish to have it operate as a precedent to influence any successor in office, to relinquish any part of his yearly salary.

The Constitutionality of the Question, relative to the Governor's Salary being undetermined, we shall at present wave our Sentiments on this subject; as this decision without doubt, will claim the attention of the Legislature when they shall think expedient.

June 28, 1787.

Chapter 62.

- Chap. 62* RESOLVE EMPOWERING THE TREASURER TO RECEIVE SOLDIERS ORDERS DRAWN FOR ONE MONTH'S PAY, AGREEABLY TO THE RESOLUTIONS OF THE GENERAL COURT, OF THE SECOND OF *MAY* LAST, IN PAYMENT OF THE SPECIE PART OF THE LAST TAX, PROVIDED THE SAME ARE EXHIBITED BY THE FIRST OF *SEPTEMBER* NEXT.

Resolved, that the Treasurer of this Commonwealth Be, And hereby is empowered And Directed, to Receive Soldiers orders Drawn for one month's pay, agreeably to the Resolutions of the General Court, the Second Day of *May* last, in payment of the Specie part of the last State tax, And Any other outstanding taxes, provided the Same Are exhibited to him for payment on or before the first day of *September* next.

June 30, 1787.

Chapter 63.

- Chap. 63* RESOLVE GRANTING A TAX OF £.200, TO BE ASSESSED ON THE INHABITANTS OF THE COUNTY OF *PLYMOUTH*, FOR THE USE OF SAID COUNTY.

Whereas it appears by a Resolve of the Gen. Court, passed the sixth Day of *March* last past, that the County Treasurer's Accounts for the County of *Plymouth*, were duly examined and allowed: And

Whereas it appears from an Estimate of the Justices of the Court of General Sessions of the peace, of the Said County of *Plymouth*, made on the tenth Day of *April* last, that the Sum of *two Hundred Pounds*, is necessary for defraying the Charges of the Said County, for the years Seventeen Hundred eighty Six, and Seventeen Hundred eighty Seven.

Therefore *Resolved*, That there be, and hereby is granted a Tax of *two Hundred Pounds*, to be apportioned and Assessed on the Inhabitants of the Said County and Estates lying within the Same, and Collected, paid and applied for the use of the Said County, according to the Laws of the Commonwealth.

July 2, 1787.

Chapter 64.

GRANT OF £.17, TO THE HONOURABLE SETH WASHBURN, ESQ; AND OTHERS, COMMITTEE ON ACCOUNTS. *Chap. 64*

Resolved, that there be Allowed And paid out of the Treasury of this Commonwealth, to the Hon^{ble} *Seth Washburn*, And others, Committee on Accounts, *Seventeen pounds*, in full for their extra pay as Committee of Accounts for the year 1785.

July 2, 1787.

Chapter 65.

RESOLVE DIRECTING COLLECTORS OF IMPOST AND EXCISE, AND NAVAL OFFICERS, TO SETTLE THEIR ACCOUNTS WITH THE COMPTROLLER GENERAL, AND TO MAKE RETURN TO HIM OF ALL OUTSTANDING DEBTS, &c. *Chap. 65*

Whereas the Acts, Resolves & Orders directing the Naval Officers & Collectors of Impost & Excise, to Settle their Accounts, have been and may be differently understood, by different officers; & whereas it is necessary that there should be a Uniformity in their proceedings, & that Government may have exact Informations not only of the annual Revenue derived from Impost & Excise, but of the Sums due on these Duties prior to the first of *January* last.

Resolved, That the Several Naval Officers and Collectors of Impost & Excise, who have not Settled their accounts, be, & they are hereby directed, forthwith to Settle them with the Comptroller General, any Resolves or order to the Contrary notwithstanding.

Resolved, That the Naval Officers and Collectors of Im-

post & Excise, and their respective Deputies, be, and are hereby directed, forthwith to make return to the Comptroller General, of all the Outstanding Debts, & all the Unliquidated Bonds given, and an Account of all such Seizures as they have respectively made, prior to the first day of *January* last, & that they Severally pursue the Steps of the Law in the recovery thereof.

& it is further *resolved*, that the Comptroller General lay a State of the Sums before the General Court, on the Second Wednesday of their next Sessions.

July 2, 1787.

Chapter 66.

Chap. 66 RESOLVE ON THE PETITION OF *JOTHAM BUSH*, GRANTING £.100 FOR SO MUCH PAID IN DISCHARGE OF AN EXECUTION MENTIONED.

On the Petition of *Jotham Bush*, Praying he May be Reimbursed *One hundred Pounds*, he Paid *William Greenleaf*, Esqr; in Discharge of an Execution In favour of the Commonwealth against him; for Reasons Sett forth in the Said Petition,

Resolved, that there be Allowed and Paid out of the Public Treasury, to *Jotham Bush*, *one hundred Pounds*, for So much he Paid in Discharge of an Execution in favour of the Commonwealth, on A Judgment Recovered against him, at the Supreme Judicial Court at *Worcester*, in *Sept^r* 1784, for the Nonappearance of *Benj Fisk*, at the Said Court, it appearing to this Court that the Said *Fisk* was Prevented attending by Sickness.

July 2, 1787.

Chapter 67.

Chap. 67 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BRISTOL*, COUNTY OF *LINCOLN*.

On the Petition of the Selectmen of the Town of *Bristol*, praying that the Treasurer of the said Town may be impowered to issue Executions against deficient Collectors.

Resolved, that the prayer of the said Petition be granted, and the Treasurer of the said Town, is hereby fully authorized and impowered to issue his Writ or Writs of Execution against any Collector or Collectors of

the said Town, who may have remaining in their hands respectively, any part of the public Taxes, which by a Resolve of the General Court, passed on the twenty-fourth Day of *March* 1786, they were directed to pay into the Treasury of the said Town of *Bristol*.

July 3, 1787.

Chapter 68.

RESOLVE ON THE PETITION OF JOSEPH GARDNER, GRANTING
£.254 13 6, TO PAY JAMES SWAN, ESQ; BEING A DEMAND ON
THE ESTATE OF THE LATE TREASURER GARDNER.

Chap. 68

On the Petition of *Joseph Gardner*, Admin^r on the Estate of *Henry Gardner*, Esq; late Treasurer dec^d praying Allowance for the Account of *James Swan*, who assisted in the Treasurer's Office, in the years 1775 & 1776.

Resolved, That there be paid out of the Treasury of this Commonwealth, to *Joseph Gardner*, esq; Admin- on the said *Henry's* Estate, the Sum of *Two Hundred & Fifty Four Pounds, Thirteen Shillings and Six Pence*, to enable him to pay the Demand of *James Swan*, against the Estate aforesaid, it being for Service in the Treasurer's Office, in the years 1775 & 1776.

July 3, 1787.

Chapter 69.

RESOLVE INTITLING GORDON HUTCHINS, TO NO FURTHER
BENEFIT OR REMEDY FROM ANY PROCESS IN THE PREM-
ISES.

Chap. 69

Whereas by a Resolve of the General Court, passed on the seventh Day of *March* last, *Gordon Hutchins* is intitled to the same legal process on a Judgment and Execution in the said Resolve mentioned, as he would have been, had the said Execution been returned wholly unsatisfied; and whereas it appears that the real Estate, on which the said Execution was levied, was appraised at *twenty one pounds*, and no more, and that the remaining Sum of the said Execution was otherwise satisfied.

Therefore *resolved*, that the said *Gordon Hutchins* shall be intitled to no further Benefit, or Remedy from any process in the premises, than he would have had, if the same Execution had been returned unsatisfied, for such part thereof only as was levied on real Estate, any thing in the Resolve aforesaid notwithstanding. *July 5, 1787.*

Chapter 70.

Chap. 70 RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT.

Resolved, that there be paid out of the Treasury of this Commonwealth, the sum of *eight shillings* to each member of the Council; the sum of *seven shillings & six pence* to each member of the Senate, and the sum of *seven shillings* to each member of the House of Representatives, for each day they have respectively attended the Council or the General Court the present session, also the sum of one day's pay, for every ten miles distance each member lives from this place.

It is further *resolved*, that there shall be paid out of the public Treasury to the Hon^{ble} *Samuel Adams*, Esqr; President of the Senate, & to the Honorable *James Warren*, Esqr; Speaker of the House of Representatives, each, the sum of *six shillings* per day, for every day's attendance on the General Court the present session, over and above their respective pay as members thereof.

July 5, 1787.

Chapter 71.

Chap. 71 RESOLVE ON THE PETITION OF JOSEPH THOMPSON, LIEUTENANT COLONEL OF THE LATE 10TH MASSACHUSETTS REGIMENT, DIRECTING THE TREASURER TO ISSUE HIS NOTE OR NOTES, FOR THE SUM OF £.43 19, WITH INTEREST FROM 1781.

on the petition of *Joseph Thompson*, Lt. Colonel of the late tenth *Massachusetts* Regiment.

Whereas it appears to this Court that the said *Joseph Thompson*, on the 20th of *December*, 1779, received of Maj^r-Genl *Heath*, the Sum of *one thousand four hundred and fifty nine pounds, fourteen Shillings*, for the purpose of reinlisting the troops belonging to this State, part of which money was destroyed by Fire, and the remainder, with the papers of the petitioner falling into the hands of the enemy, put it out of his power to account with the Committee for the Same, in consequence whereof the Sum of *Forty three pounds, nineteen Shillings*, in Specie, was Charged to the Said *Joseph Thompson*, on the Settlement

of his accounts to the first day of *January* 1781: Therefore

Resolved, that the Treasurer of this Commonwealth be, and he is hereby directed to issue his note or notes to the said *Joseph Thompson*, for the Sum of *Forty-three pounds, nineteen Shillings*, with Interest, from the first day of *January* 1781, payable in the Same manner as if no stopage had been made at the time of settling the Said *Thompson's* accounts.

July 5, 1787.

Chapter 72.

RESOLVE ON THE PETITION OF *JOSEPH BOYD*, COLLECTOR OF STATE TAX, NO. 5, FOR THE TOWN OF *BRISTOL*, IN *LINCOLN* COUNTY, EMPOWERING THE TREASURER TO RECEIVE THE WARRANT MENTIONED.

Chap. 72

On the petition of *Joseph Boyd*, Collector of State Tax No. 5, for the Town of *Bristol*, in the County of *Lincoln*, praying that he may be enabled to pay into the Treasury of this Commonwealth, on the Specie part of the s^d tax No. 5, a Warrant drawn on the Treasurer, in favour of the Said *Boyd*, for the Sum of *Eighty One Pounds, eighteen Shillings & one penny*:

Resolved, That for reasons Set forth in the s^d petition, the Treasurer be, and hereby is empowered, and directed, to receive the aforesaid Warrant of the aforesaid *Joseph Boyd*, and credit him therefor the sum of *Eighty one pounds, eighteen Shillings & one penny*, on the specie part of State Tax No. 5, committed to the s^d *Joseph Boyd* to collect of the Inhabitants of the Town of *Bristol*, in the County of *Lincoln*.

July 5, 1787.

Chapter 73.

RESOLVE EMPOWERING THE QUARTER MASTER TO ALLOW PAY FOR ADJUTANTS AND OTHERS HORSES, UPON HIS RECEIVING SATISFACTORY EVIDENCE.

Chap. 73

Resolved, That the Quartermaster General be, and he is hereby ordered and directed, to allow pay for the service of the Adjutants horses, and of the horses impressed into the Public Service, during the present Rebellion, at the same prices allowed for similar services; upon his receiving satisfactory evidence of the performance of the same.

July 5, 1787.

Chapter 74.

Chap. 74 RESOLVE ON THE PETITION OF SAMUEL FARRER AND OTHERS, INVALIDS ON CASTLE-ISLAND, DIRECTING THE COMMISSARY GENERAL TO FURNISH CLOATHING, AND ALLOWING THEM PAY.

On the petition of *Samuel Farrer* and Others, invalids that are doing duty on *Castle Island*.

Resolved, that the Commissary General be, and he hereby is directed, to furnish each of the Said Invalids with Cloathing, in the Same Manner as the Garrison of the Said *Castle Island* are furnished.

and it is further *Resolved*, that there be allowed and paid out of the Treasury of this Commonwealth, to the Pensioners that may apply, and being Properly Certified agreeable to a resolve of the General Court, of y^e 17th *March* 1786, the Several Sums affixed to their names respectively on the rolls, which the Secretary has or may transmit to the Treasurer, agreeable to the Resolve aforesaid, in the same Manner that the Garrison of *Castle Island* are paid, and that the same be charged to the united States Accordingly.

July 5, 1787.

Chapter 75.

(ROLL No. 7.)

Chap. 75

The Committee on Accounts, have examined and passed upon the Accounts that have been presented, and report, that the several Sums carried out they find Due to y^e Towns, & Persons hereafter mentioned, which if allowed will be in full Discharge of said Accounts.

JOSEPH HOSMER, per ORDER.

Viz :

To <i>Joseph Frost</i> , for services performed in <i>January</i> last, as Brigade Major in y ^e Counties of <i>York & Cumberland</i> ,	£.4	4	0
To <i>William White</i> , for services performed at the Hospital for y ^e Commonwealth, at <i>West Boston</i> , in <i>March</i> last,	4	10	0
To <i>Thomas Downe's</i> bill for mending Chairs, &c. belonging to y ^e Senate-Chamber, in <i>May</i> last,	0	18	0
To Doctr <i>Timothy Danforth's</i> Bill for Visits & Medicines for one <i>Hannah Mirick</i> , of y ^e poor of <i>Charlestown</i> , from <i>May</i> 1784, to <i>Sept</i> 1785,	0	17	4
To Doctr <i>Edmund Bancroft</i> , for administring to <i>John Withington</i> , a sick Soldier, in Coll. <i>Badlum's</i> Regiment, last Winter,	0	10	7

To Doctr <i>John Flagg</i> , for administring to <i>Richard Hunnewell</i> and Daughter, two of y ^e poor of <i>Charlestown</i> , from <i>March</i> 1786, to <i>March</i> 1787, ...	£.6	5	10
To <i>Benj. Edes</i> & Son, for Printing for the Commonwealth, from <i>Nov^r</i> 1786, to <i>June</i> 11th, 1787, ...	44	18	2
To <i>Eduard Eveleth Powers</i> , for the same Service from <i>Feby^r</i> 1787, to <i>May</i> 1787, by Order of Secretary, ...	56	18	0
To <i>John Tracey</i> , Deputy Adjutant General, for his Services and Expences last Winter, in consequence of special Orders, ...	32	8	0
To <i>Sampson Wood</i> , for his Trouble & Expences, with Assistants, in removing <i>George Marsden</i> to <i>Boston</i> , Goal in <i>March</i> last, ...	4	18	0
To the Selectmen of <i>Bedford</i> , for entertaining y ^e Widow <i>Hannah Mirick</i> , one of y ^e Poor of <i>Charlestown</i> , and an old Negro of y ^e same Town, from y ^e 1 st of <i>Jan^y</i> 1786, to y ^e last of <i>April</i> 1787, ...	20	10	0
To Doctr <i>Samuel Williams</i> , as Agent on <i>York</i> line, for his Journey, Services, Expences & Assistant, in his Services by Order of Government in <i>Sept^r</i> & <i>Oct^r</i> 1786, as a Ballance of his Account, ...	30	15	7
To the Town of <i>Brimfield</i> , for Powder delivered in <i>July</i> 1775, for y ^e use of y ^e Commonwealth, which was to have been replaced, ...	3	0	0
To the Town of <i>Lanesborough</i> , for keeping <i>Samuel Harrison</i> & Son, States Poor, from <i>Feb^y</i> 1782, to <i>May</i> 1785, ...	85	10	0
To the same Town, for supporting y ^e same Person, with his Family, to y ^e 7th of <i>May</i> 1787, ...	41	12	0
To the Selectmen of <i>Rutland</i> , for supporting <i>John Chard</i> & Family, poor of y ^e Commonwealth, & other Expences in 1785, and 1786, Himself, Wife, & two Children, ...	17	3	4 $\frac{1}{2}$
To <i>Enoch Shephard</i> , for his Services in riding Express in <i>December</i> last, when y ^e travelling was very difficult, ...	1	1	0
To <i>Eli^zth</i> <i>Osborne</i> for Board, from <i>Nov^r</i> 15th 1786, to <i>June</i> 20th 1787, one of the Poor of <i>Charlestown</i> , ...	12	8	0
To <i>Eli^zth</i> <i>Leman</i> , another of y ^e Poor of <i>Charlestown</i> , from <i>Nov^r</i> 15th, to <i>June</i> 20th 1787, for Board, ...	9	6	0
To <i>Oliver Prescott</i> , Esqr; his Charge for Visits & Medicines on account of <i>William Martin</i> , one of the State's Poor, in 1785, 1786 and 1787, ...	2	4	0
To <i>John Hooton's</i> Account for Oars for y ^e Castle in 1785, allowed but not paid, & y ^e Order brought to y ^e Committee on Accounts, ...	3	15	5
To Ditto, for Ditto, in 1786, both Bills attested by proper Officers, ...	3	12	6
To the Town of <i>Dracut</i> , for Boarding, Nursing, Doctr ^{al} Bill, &c &c. an extraordinary case, & extraordinary trouble, on account of <i>John Hancock</i> , one of y ^e State's Poor, from y ^e 3d of <i>Feb.</i> to <i>June</i> 25th 1787, ...	32	1	1
To <i>William Sever</i> , Brigade Major, for his Services in y ^e present year, agreeable to y ^e Orders he received from superior Officers, ...	2	9	4
To y ^e Town of <i>South Hadley</i> , for Boarding, tending in Sickness, Burying, &c. <i>James Snow</i> , one of y ^e State's Poor, <i>Feb^y</i> 1786, ...	7	6	10

To <i>John Austin</i> , one of y ^e <i>Charlestown</i> Poor, together with his Wife, for Board, from <i>March 2d</i> , to <i>June 27th 1787</i> , ...	£.8 5 0
To <i>Justus Dwight</i> , for Boarding <i>Agnis Thompson</i> . &c. one of the State's Poor, from y ^e 1st of <i>May 1786</i> , to y ^e 1st of <i>Nov^r 1786</i> , ...	19 18 0
To <i>John Wier</i> , one of y ^e <i>Charlestown</i> poor, for Board, from <i>Oct^r 1785</i> , to <i>Oct^r 1786</i> , ...	24 18 0
To <i>Joseph Cooke</i> , Goaler in <i>Hampshire County</i> , for Services & Expences, & keeping two deserters in 1783, ...	2 12 6
To the Town of <i>Needham</i> , for Supporting <i>Elizth English</i> & Family, State's Poor, to <i>April 1st 1785</i> , before allowed, but not paid, ...	7 16 3
To the Town of <i>Boston</i> , for Supporting in the Alms House y ^e Poor of the Commonwealth from <i>Sept^r 1st 1786</i> , to <i>March 1st 1787</i> , ...	1890 18 2½
To <i>Samuel Partridge</i> , master of the Alms House in <i>Boston</i> , for his Trouble in taking care of y ^e poor of the Commonwealth, receiving pay from no other Quarter, and agreeable to y ^e allowance heretofore made, which account refers to y ^e Acct. given in by y ^e Town of <i>Boston</i> , above, ...	98 0 0
To the Town of <i>Westborough</i> , for Boarding <i>John Schudemore</i> , one of the State's Poor, from y ^e 1st of <i>Jan^y 1787</i> , to y ^e 1st <i>April 1787</i> , ...	5 1 3
To the Town of <i>Acton</i> for Supporting <i>John Kennedy</i> & Wife, State's Poor, from <i>12th September 1786</i> , to <i>March 12th 1787</i> , ...	14 13 0
To the Town of <i>Woburn</i> , for Boarding <i>Mary Shute</i> , one of the State's Poor, from <i>17th September 1786</i> , to y ^e time of her Death, &c.	7 0 0
To the Town of <i>East Hampton</i> , for Supporting <i>Rebecca Gardner</i> one of y ^e State's Poor from <i>Dec^r 1785</i> , to <i>April 1787</i> , ...	14 9 9
To <i>James Kettell</i> , for Boarding Himself & Wife, two of the <i>Charlestown</i> Poor, from <i>Nov^r 8th 1786</i> , to <i>26th June 1787</i> , ...	9 18 0
To <i>Simon Stow's</i> Account, as Agent to y ^e Estate of <i>Henry Barnes</i> , and for Expences on Journeys, to <i>June 1787</i> , ...	8 17 3
To <i>Edward Procter</i> , for supplying a number of Germans on Governour's Island in y ^e year 1777; the Account then offered, examined & allowed, but not paid, ...	46 12 6
To y ^e Town of <i>Lynn</i> , for Boarding, &c. <i>Richard Hunnewell</i> , aged 74, and daughter, aged 37 years, with <i>Mary Gibson</i> , y ^e poor of <i>Charlestown</i> , from y ^e 1st of <i>Feb^y 1787</i> , to y ^e 1st of <i>July 1787</i> , ...	20 4 5
To <i>Jacob Kuhn's</i> Bill for Cash advanced for necessary Articles for y ^e use of y ^e House and Senate, to y ^e 24th of <i>June 1787</i> , ...	1 15 3½
	£. 2610 2 5½

Read and accepted, & thereupon

Resolved, that his Excellency the Governor be, and he hereby is requested, with the advice of Council, to issue

his Warrants on the Treasury for the payment of the several persons borne on this Roll, the sums set against their Names respectively, amounting in the whole to *Two thousand six hundred, & ten pounds, two shillings and five pence one farthing.*

July 5, 1787.

Chapter 76.

RESOLVE ON THE PETITION OF ABEL HOLMAN, ADMITTING HIM TO BAIL ON SUFFICIENT SECURITY. Chap. 76

On the petition of *Abel Holman*, jun^r;

Resolved, That the prayer of the s^d petition be so far granted that *Jahleel Woodbridge & Jonathan Nash*, Esqs; two Justices of the peace, for the County of *Berkshire*, *quorum unus*, be, & hereby are authorized to admit him to bail, on good & sufficient surety for his appearance at the next supreme judicial court to be holden within & for the s^d County.

July 6, 1787.

Chapter 77.

RESOLVE ON THE PETITION OF SAMUEL STEARNS, DIRECTING HIS LIBERATION FROM GOAL AT WORCESTER, FROM THE EXECUTION UPON WHICH HE STANDS COMMITTED, ON BEHALF OF THIS COMMONWEALTH, GIVING NOTICE TO HIS BONDSMEN. Chap. 77

on the Petition of *Samuel Stearns*, now a Prisoner in *Worcester*, Goal, praying that he may be Discharged from an Execution upon Which he stands Committed, in behalf of the Commonwealth.

Resolved, for reasons set forth in the said Petition, that the Prayer be so far granted, that the Sheriff of the County of *Worcester* Be, & he hereby is Directed, to Discharge the Said *Samuel Stearns* from the Execution upon which he stands Committed in behalf of the Commonwealth, after Giving notice to the bondsmen of the Said *Samuel Stearns*, at least fourteen Days Previous to the Day the Sheriff may appoint for his Discharge, that the said Bondsmen may secure him at their own suit, if they see fit.

July 6, 1787.

Chapter 78.

RESOLVE ON THE PETITION OF GEORGE WILLIAMS, REVERSING A JUDGMENT OBTAINED AGAINST HIM. Chap. 78

On the Petition of *George Williams* of *Marlborough*,

Resolved, For reasons set forth in the said Petition, that

a Judgment recovered against him y^e Said *George*, by *Joel Brigham* of the same *Marlborough*, before *Samuel Curtis*, Esqr; a Justice of y^e Peace, on the thirtieth day of *April* last past, be set aside, & rendered null & void, he the s^d *George Williams*, paying to the s^d *Joel Brigham*, the Cost of Suit taxed in the s^d judgment, and that y^e s^d *Joel Brigham*, may in future, (if he see cause), bring a new Action for y^e Debt mentioned in the s^d Judgment.

July 6, 1787.

Chapter 79.

Chap. 79 RESOLVE ON THE PETITION OF *JAMES SULLIVAN*, SETTING ASIDE A JUDGMENT GIVEN IN AN ACTION IN THE SUPREME JUDICIAL COURT, AT *IPSWICH*, IN *JUNE* CURRENT, WHEREIN *MICHAEL FARLEY*, ESQ; WAS PLAINTIFF, AND *JOHN MURRAY* DEFENDANT, AND CONTINUING THE CAUSE TO THE NEXT COURT AT *SALEM*.

Upon the Petition of *James Sullivan*.

Resolved, that the Judgment given in an action in the Supreme Judicial Court, holden at *Ipswich*, within and for the County of *Essex*, on the third Tuesday of *June* current, wherein *Michael Farley*, Esqr; Treasurer of said County, is original Plaintiff, and *John Murray* was original Defendant, for the reason in the said Petition, be, and hereby is set aside, and that the cause be continued to the next Supreme Judicial Court, to be holden at *Salem*, within and for the County of *Essex*, in the Same manner as if the cause had been regularly continued to that Time; and the Clerk of the Said Court, is directed to carry the same action forward to the Said Court, to be holden at *Salem* as aforesaid, in the same manner, & that the Same proceedings be thereupon had, as if Judgment had never been given in the cause.

July 6, 1787.

Chapter 80.

Chap. 80 RESOLVE ON THE PETITION OF *ELIZABETH SNELLING*, ADMINISTRATRIX ON THE ESTATE OF *JONATHAN SNELLING*, DECEASED, EMPOWERING HER TO COMMENCE AND PROSECUTE TO FINAL JUDGMENT, ANY SUITS AGAINST *ELIZABETH GOLDTHWAIT*, ADMINISTRATRIX ON THE ESTATE OF *EZEKIEL GOLDTHWAIT* DECEASED, OR AGAINST OTHER PERSONS.

Resolved, that *Elizabeth Snelling*, administratrix on the estate of *Jonathan Snelling*, deceased, Intestate, be, and she is hereby authorized & empowered, to commence and

prosecute to final Judgment and Execution, any suit or suits against *Elizabeth Goldthwait*, administratrix on the Estate of *Ezekiel Goldthwait*, Esqr; dec^d, or against any person or persons whomsoever, in as full and ample a manner as she might have done, had the said *Elizabeth Snelling* and said Intestate, been citizens of this Commonwealth at the time of his decease, and had he not been an absentee, and that she account for all Monies which may be by her recovered on any suit or suits so to be brought, with the Judge of Probate of *Suffolk County*, as the estate of the said *Jonathan Snelling*, to be distributed according to Law.

July 6, 1787.

Chapter 81.

RESOLVE GRANTING £120 TO CAPTAINS *JOSHUA DANFORTH & PARK HOLLAND*. Chap. 81

On the several Petitions of *Joshua Danforth & Park Holland*, who have Complied fully with the requisitions of Government, as Agents and pay masters, and are intituled to the Allowance that has been made Other Agents in like cases :

Resolved, that there be Allowed and paid out of the Treasury of this Commonwealth, to the Said *Joshua Danforth* and *Park Holland*, the Sum of *one hundred and twenty pounds* each, in full compensation for their time, Travel & expences, in performing the business of their Appointment respectively, they to be accountable for all sums of Money, by them at any time respectively received, and this Allowance to be charged to the united States.

July 6, 1787.

Chapter 82.

RESOLVE DIRECTING THE TREASURER TO ISSUE ORDERS ON COLLECTORS IN FAVOUR OF MEMBERS OF THE GENERAL COURT. Chap. 82

Resolved, that the Treasurer of this Commonwealth be, and he is hereby directed, to pay to such members of the General Court, as may choose to receive orders for their Travel and attendance at the General Court the present Session, Orders on any of the Taxes which were assessed previous to the year One thousand seven hundred & eighty four, or on the Specie part of the Tax Granted in the year one Thousand seven hundred & eighty six, at their election ;

provided such Orders be drawn on the Collectors of such Towns to which such members respectively belong.

July 6, 1787.

Chapter 83.

Chap. 83 RESOLVE DIRECTING THE TREASURER TO RECALL HIS EXECUTION ISSUED AGAINST *HOPKINTON*.

Resolved, that the Treasurer of this Commonwealth be, and he hereby is directed, to recall the Execution issued against the Town of *Hopkinton*, for deficiency of Taxes, and to stay the same till the fourth Wednesday of the next setting of the General Court, and that the further Consideration of the petition of *Walter McFarland*, in Behalf of the said Town, be referred to the said Session.

July 6, 1787.

Chapter 84.

Chap. 84 RESOLVE ON THE PETITION OF MONSIEUR AND MADAME *DE GREGOIRE*, GRANTING THEM THE ISLAND OF *MOUNT DESERT*, AND OTHER LANDS, UPON CERTAIN CONDITIONS THEREIN MENTIONED.

Whereas it appears to this Court, that the Lands claimed by Monsieur & Madam *De Gregoire*, as described in their Petition, were in *April*, 1691, granted to Monsieur *De La Motte Cadillac*, by his late Most Christian Majesty, *Louis*, 14, to hold to him as an Estate of Inheritance, & that said Madam *De Gregoire* is grand daughter, & direct Heir at Law of the said *De La Motte Cadillac*. But whereas by long Lapse of Possession, the legal title to the said Lands, under the said Grant, is lost to the Heir at Law of the said Monsieur *De La Motte Cadillac*; and the said Monsieur & Madam *De Gregoire*, have not any Interest or Estate now remaining therein, but thro the Liberality and Generosity of this Court, which are not hereafter to be drawn into precedent: And whereas it is the disposition of this Court, to cultivate a mutual Confidence and Union between the Subjects of his Most Christian Majesty and the Citizens of this State, and to cement that Confidence & Union by every Act of the most liberal Justice, not repugnant to the Rights of their own Citizens:

It is therefore *Resolved*, that there be, and hereby is

granted, to the said Monsieur & Madam *De Gregoire*, all such parts and parcels of the Island of *Mount Desert* & other Islands, & tracts of Land particularly described in the Grant or Patent of his late Most Christian Majesty, *Louis 14*, to said Monsieur *De La Motte Cadillac*, which now remain the Property of this Commonwealth, whether by original Right, Cession, Confiscation or forfeiture, to hold all the aforesaid parts and parcels of the said Lands & Islands to them the said Monsieur and Madam *De Gregoire*, their Heirs & assigns, forever :

Provided however, that the Committee for the Sale of Eastern Lands be, and they hereby are authorized and fully empowered, to quiet to all or any Possessors of, or Claimers to the title of any parts of the Lands herein described, all such parts & parcels thereof as they the said Committee shall think necessary & expedient, and on such Consideration & Conditions as they the said Committee shall judge equitable & just, under all Circumstances, conformable to the precedents heretofore Established with regard to settlers. And this Grant is not to take Effect, & it shall not be lawful for the said Monsieur & Madam *De Gregoire*, to take or hold possession of the Lands hereby granted, untill an Act or Bill of Naturalization has been passed in their favour.

July 6, 1787.

Chapter 85.

AN ADDRESS TO HIS EXCELLENCY, TO REMOVE FROM OFFICE, *EPHRAIM FITCH* AND *JOHN HURLBUT*, JUSTICES OF THE PEACE. *Chap. 85*

Ordered, That *Charles Turner* and *Tristram Dalton*, Esq's, *Mr. Sedgwick*, *Mr. Van Schaack* and *Mr. Parsons*, be a Committee to present to his Excellency, the following address.

May it please your Excellency,

The two branches of the General Court, sensible how important it is, that the Characters of men, appointed to superintend the execution of the Laws, should be pure and unsullied, and that their patriotism, their love of their Country, and inviolable attachment to the constitution, should not be subject to any just suspicions, take the liberty to make known to your Excellency, that *Ephraim Fitch* of *Egremont*, in the county of *Berkshire*, Esqr;

and *John Hurlbut* of *Alford*, in the same county, Esquire Justices of the Peace, within and for that County, have been Indicted by a very respectable Grand Jury, of the heinous & detestable crime of high treason: And that they, when the noble and generous exertions of freemen, dispersed the Forces of rebellion, fled from the justice of their Country. That in the opinion of the General Court their flight could have originated only from a consciousness of guilt. But whether innocent or not, the Honor of Government requires that men, against whom there is just foundation of suspicion, should not be permitted to exercise offices of such great importance. The General Court therefore request, that your Excellency would be pleased, by and with the advice and consent of Council, to remove the Said *Ephraim Fitch*, and *John Hurlbut*, from their offices aforesaid.

July 6, 1787.

Chapter 86.

Chap. 86 RESOLVE PROVIDING FOR THE PAYMENT OF THE MONEY HERETOFORE BORROWED OF THE BANK, DIRECTING THE TREASURER TO BORROW THE FURTHER SUM OF £.1000 OF SAID BANK, TO PAY THE MEMBERS OF THE GENERAL COURT, &c.

Whereas the Treasurer of this Commonwealth has from time to time, by direction of the General Court, borrowed several sums of money from the President and Directors of the Massachusetts Bank, agreeably to the Resolves which have passed for the purpose, and it appearing to this Court that the Sums so borrowed are not yet wholly discharged:

Resolved, that the Treasurer be, and he hereby is directed to govern himself in discharging the Debts due from this Commonwealth to the President and Directors aforesaid, agreeably to the mode pointed out in the Resolve of the 20th of *Feb^y* 1787, directing him to pay the same out of the first money received in the treasury from the impost and Excise, or from any taxes; any thing contained in any law or resolve to the contrary notwithstanding: And the Treasurer is further directed, in order to expedite the payment of the aforesaid debts, to call upon the Excise and Impost Officers throughout this Commonwealth, to pay what monies they may receive into the treasury monthly, where their local Situation will admit of so doing.

And it is further *Resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorized & directed, to borrow of the President & directors of the Massachusetts Bank, the Sum of *One thousand pounds*, which sum the said Treasurer is hereby directed to pay to the Members of the Hon^{bl} Council, the Members of the Hon^{bl} Senate & House of Representatives, in proportion to the sums due to them for their attendance the present session of the Gen^l Court: And the Treasurer aforesaid is further directed to repay the money he may borrow, in pursuance of this Resolve, in the same manner as provided for the payment of money heretofore borrowed of the President and Directors of the Massachusetts Bank, agreeably to the Resolution heretofore passed as aforesaid for that purpose.

July 7, 1787.

Chapter 87.

RESOLVE ON THE PETITION OF ABRAHAM SHATTUCK.

Chap. 87

On the petition of *Abraham Shattuck*, praying that a fine of *twenty pounds*, imposed on him by judgment of the Supreme Judicial Court, be received in the Government Securities of this Commonwealth:

Resolved, that the prayer of the said petition be so far granted, as that the said *Abraham Shattuck* be permitted to discharge the said fine, in the aforementioned Securities of this Government, agreeably to the prayer of his Petition; and the Sheriff of the County of *Middlesex*, is hereby directed to receive the same in satisfaction of the said judgment accordingly; provided the said *Shattuck* pay the costs of prosecution, in the same manner as though this Resolve had not been passed.

July 7, 1787.

Chapter 88.

RESOLVE GRANTING JOSHUA SHAW, £.29 8s. IN A CONSOLIDATED NOTE.

Chap. 88

On the petition of *Joshua Shaw*, representing that his wages, amounting to *twenty-nine pounds, eight Shillings*, have been paid on a forged order, and praying the Consideration of this Court:

Resolved, that the Treasurer be, and he hereby is directed, to pay out of the publick treasury to the Said *Joshua Shaw* or order, a Consolidated note for the Sum

of *twenty nine pounds, eight shillings*, the Said wages having been Drawn by A Forged order notwithstanding.

July 7, 1787.

Chapter 89.

Chap. 89 RESOLVE RESPECTING COLLECTORS OF IMPOST AND EXCISE TAKING OATHS, AND DIRECTING THE SECRETARY TO PUBLISH THIS RESOLVE, AND A RESOLVE PASSED THIS DAY RESPECTING THE COLLECTION OF BACK TAXES.

Resolved, That each & every Collector of Impost & Excise, within this Commonwealth, shall on his presenting any Orders drawn on the Revenue of Impost & Excise, before he is credited for the same, take the following Oath before the Treasurer of this Commonwealth, or before some Justice of the peace, who shall administer the same without any Fee.

I *A. B.* do Swear, that all the Orders now Offered by me in payment of Impost & Excise, committed to me to collect, to the amount of _____ were actually received from the several persons Indebted for Impost & Excise, or otherwise, without any discount or premium, either directly or indirectly, or any promise or hope of reward. *So help me GOD.*

And it is further *Resolved*, That each Collector of Impost & Excise shall require the same Oath of each of their Deputies, previous to their giving them credit for any Orders drawn as aforesaid; a certificate of which Oath shall be forwarded to the Treasurer with such Orders.

Ordered, That the Secretary cause the foregoing Resolve, together with the Resolve of this day respecting the collection of taxes, to be published in the Independent Chronicle.

July 7, 1787.

Chapter 90.

Chap. 90 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF ROWE, DIRECTING THE TREASURER TO DISCOUNT THE SUM MENTIONED, AND EMPOWERING THE SELECTMEN TO MAKE OUT AND DELIVER TO THE CONSTABLE OR COLLECTOR OF SAID TAX A WARRANT IN DUE FORM OF LAW.

On the Petition of the Selectmen of the town of *Rowe*, Setting forth, that the Said town was taxed *thirty one*

pounds ten Shillings, as Representative's Pay, in the tax passed *July* ninth 1784, altho the said town then Called *Myrifiel*d, had never Sent A Representative to the General Court :

And also that the town was taxed the Sum of *Seventy four pounds, one Shilling & eight pence* in the abovesaid tax, exclusive of the Said *thirty one Pounds ten shillings*, mentioned for Representative's pay ; and altho they did make a return of the Assessment of the Said tax of *Seventy four pounds one Shilling & eight pence*, to the Treasurer, have not received a warrant for the Collection of the Same.

Therefore *Resolved*, that the Treasurer of this Commonwealth, be, and he is hereby directed, to Discount with the Constable or Collector of the town of *Rowe*, or *Myrifiel*d, the above Sum of *thirty-one pounds ten Shillings*, Set on the Said town as Representative's pay, and Charge the Same to the Commonwealth. furthermore,

Resolved, That the Selectmen or Assessors of the town of *Rowe*, for the time being, be empowered, and they are hereby empowered and directed to make out and deliver to the Constable or Collector of the Said tax of *Seventy four pounds, one Shilling & eight pence*, a Warrant in due form of Law for the Collection and paying into the Treasurer of the Commonwealth, the foregoing Sum agreeable to the Laws of the State.

July 7, 1787.

Chapter 91.

RESOLVE DIRECTING THE TREASURER TO REPAY THE MONEY BORROWED OF THE DIRECTORS OF THE BANK, PURSUANT TO A RESOLVE PASSED THIS DAY, OUT OF THE FIRST MONIES RECEIVED IN THE TREASURY.

Chap. 91

Whereas by a Resolve of the General Court passed this day, the Treasurer of this Commonwealth is authorized & impowered, to borrow the sum of *one thousand pounds*, of the President & Directors of the Massachusetts Bank, for the purpose in the said Resolve mentioned ; and the said Treasurer is further directed to repay the money so borrowed, in such manner as may interfere with some former appropriation, which was not the intent of the said Court : Therefore

Resolved, That the Treasurer be, & hereby is directed, to repay the money he shall borrow of the President & Directors of the Massachusetts Bank, pursuant to the

direction of the Gen. Court in the Resolution of this day, out of the first money received in the Treasury from the Impost & Excise, or from any Taxes, not interfering with any former appropriation, any thing in the afore-recited act to the contrary notwithstanding. July 7, 1787.

Chapter 92.*

Chap. 92 RESOLVE GRANTING TO EACH OF THE DELEGATES WHO SHALL PROCEED TO CONGRESS £200.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Delegates who are appointed to represent this State in Congress, the ensuing year, and who shall proceed on the business of their appointment, the sum of *two hundred pounds* each, they to be accountable for the sums they shall respectively receive. July 7, 1787.

Chapter 93.

Chap. 93 RESOLVE ON THE PETITION OF HEZEKIAH HOOPER AND ELIPHALET CARY, ADMINISTRATORS ON THE ESTATE OF JOSIAH EDSON, LATE OF BRIDGWATER, DECEASED.

On the petition of *Hezekiah Hooper* and *Eliphalet Cary*, Administrators on the estate of *Josiah Edson*, late of *Bridgewater*, deceased, representing that the said *Josiah* purchased of his father, *Josiah Edson*, of the said *Bridgewater*, a Conspirator, a lot of land by deed, bearing date *December* the eighth, 1769, which deed was not acknowledged in the life time of the subscribing party; and as the witnesses to the said deed are deceased, therefore praying for a confirmation of the said deed. Also setting forth that there is a small lot of land, consisting of eight acres, adjoining to the lot aforesaid, which was the property of the said Conspirator, and praying, for reasons set forth in the petition, that the said eight acres might be granted to the heirs of the said *Josiah*, junr.

Resolved, that the deed given by *Josiah Edson*, of *Bridgewater*, to *Josiah Edson*, junr. bearing date as aforesaid, be, and hereby is confirmed and established, to all intents and purposes, as fully and amply as though the same had been acknowledged by the Grantor; and the Register of Deeds for the County of *Plymouth*, is hereby

* Taken from court record.

authorized to record the same deed, any Law to the contrary notwithstanding.

Resolved, that a certain lot of land, lying in *Bridgewater* aforesaid, containing eight acres, bounded easterly on the said thirty acre lot; northerly on a River; westerly on *Simeon Leonard's* land; and southerly on *Richard Leonard's* land, be, and hereby is granted and confirmed to *Caleb Edson* and *Josiah Edson*, being the only heirs to the said *Josiah*, first above mentioned, in equal shares, as an absolute estate in fee simple, to them, their heirs and assigns, forever.

July 7, 1787.

Chapter 94.

RESOLVE GRANTING £40. TO THE CLERK OF THE SENATE AND HOUSE. *Chap. 94*

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to *George R. Minot*, Esqr; Clerk of the House of Representatives, and to Mr. *Sam^l Cooper*, Clerk of the Senate, the Sum of *Forty pounds* Each, they to be accountable for the sums they shall respectively Receive.

July 7, 1787.

Chapter 95.

RESOLVE ON THE PETITION OF *HOPESTILL FOSTER*, SETTLING THE ESTATES MENTIONED, TO HIM AND *SUSANNAH* HIS WIFE. *Chap. 95*

Upon the Petition of *Hopetill Foster*, praying that certain real Estate therein mentioned, may be settled upon his now Wife, for and during her natural Life, for reasons set forth in his Petition:

Resolved, that the prayer of the said Petition be so far granted, as that the Estates therein mentioned, which are said to have been given to the said *Hopetill*, for his natural Life, are hereby settled upon the said *Hopetill & Susannah* his Wife, for & during their joint Lives, and upon the said *Susannah*, so long as she shall continue the said *Hopetill's* widow, in case she survives him, and the Estate therein in Remainder, shall enure and vest in such Person or Persons, as are mentioned in the last will & Testament of the Father of the said *Hopetill*, upon the Death of the survivor of them, in such way and manner, as it would have done, had not this Resolve have been made.

Provided, that the said *Hopetill* shall proceed to rebuild

Houses of equal value with those mentioned in the said Petition, & shall and do in fact build and finish the same in like manner & so far as the said Houses mentioned to be burnt, were built & finished, on or before the first day of *June*, Anno Domino seventeen hundred & ninety. And *provided further*, that it shall be made to appear to the judge of Probate of *Suffolk* County, who is hereby authorized & empowered to examine & determine the same, that one fifth part of all the expence from building & finishing the same houses, shall be paid by some one or more of the Relations of the said *Susannah*, being other than said *Hopestill*.

July 7, 1787.

Chapter 96.

Chap. 96 RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF *LINCOLN*, AND GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS OF SAID COUNTY.

Whereas it appears upon Examination of the Treasurer's Accounts for the County of *Lincoln*, that they are right cast & well vouched, and that all the monies granted and allowed by the Court of General Sessions of the Peace for the said County, for the year 1782, were for such purposes and appropriations, as by Law the said Court were empowered to grant :

Therefore *Resolved*, that the said Accounts be accepted and Allowed.

and whereas it appears from an Estimate of the Justices of the said Court, made on the first day of *June*, 1785, that it is necessary that the Sum of *Six hundred and fifty pounds*, be apportioned and assessed on the inhabitants of the said County, and the Estates Lying within the Same; and Collected, paid and applied, for the use of defraying the necessary charges that have already or may arise within said County.

Be it therefore *Resolved*, that the said sum of *Six hundred & fifty pounds* be granted, assessed and applied accordingly, and for the purposes aforesaid, according to the Law in such case provided.

July 7, 1787.

Chapter 97.

Chap. 97 RESOLVE ON THE PETITION OF *MATTHEW BRIDGE*, GUARDIAN TO *JOHN FOYE* OF *CHARLESTOWN*.

On the Petition of *Matthew Bridge*, Guardian to *John Foye* of *Charlestown*, a Person *non compos mentis*, and by

desire of the Selectmen of the Town of *Charlestown*, praying that the said Guardian may be impowered to make Sale of the said *John's* Estate, for the purpose of his Comfortable Support during his natural Life: Therefore

Resolved, That the said *Matthew Bridge*, in his Said capacity, with the approbation of the Selectmen of the said Town of *Charlestown*, be, & he is hereby authorized & impowered to make Sale of all the said *John's* Real Estate, for the express purpose of providing a Comfortable Support for him, during his natural Life, as the Selectmen may approve of: and the Said *Matthew Bridge*, in his said capacity, may make & execute good & Lawful Deed or Deeds to the purchaser or purchasers thereof, he giving Bonds to the Judge of Probate for the County of *Middlesex*, that the net Proceeds Shall be applied according to Law; and the Said Sale made as aforesaid, shall be good & Valid in Law, to all intents & purposes; any Law or Resolve to the contrary Notwithstanding.

July 7, 1787.

Chapter 98.

RESOLVE GRANTING £.3 15s. 5d. TO JOHN WILSON, FOR HIS SERVICES. Chap. 98

On the Petition of *John Wilson*, Praying that he may be allowed his Pay for his Service as a Soldier in Capt. *John Lane's* Company, in the Sea-coast Service, in the year 1775:

Resolved, that there be allowed and paid out of the treasury of this Common Wealth, to *John Wilson*, the Sum of *Three pounds Fifteen Shillings and five pence*, in full for his Service in Capt. *John Lane's* Company, in the Sea coast Service in the year 1775. *July 7, 1787.*

Chapter 99.

RESOLVE GRANTING 39s. TO EACH OF THE COMMITTEE ON ACCOUNTS. Chap. 99

Resolved, that there be allowed and paid out of the publick Treasury of this Commonwealth, to the Honourable *Joseph Hosmer, John Carnes & Noah Goodman*, Esqrs, the sum of *thirty nine shillings* to each of them, amounting in the whole to the sum of *Five pounds, seventeen shillings*, in addition to their pay as members of the Gen-

eral Court; which sum is in full for their Services as a Committee to pass on Accounts the present Session of the General Court.

July 7, 1787.

Chapter 100.

Chap.100 RESOLVE ON THE PETITION OF HEZEKIAH FAY, OF *SOUTHBOROUGH*, IN THE COUNTY OF *WORCESTER*, STAYING EXECUTION TILL THE THIRD WEDNESDAY OF THE NEXT SETTING OF THE GENERAL COURT.

On the Petition of *Hezekiah Fay*, of *Southborough*, in the County of *Worcester*, Constable for the year 1780, praying that an Execution for the Sum of *Seventeen pounds nineteen shillings and 3^d*, Silver money, issued by *Thomas Ivers*, Esqr; Treasurer & Receiver General of the Said Commonwealth, be discharged, for reasons Set forth in the said Petition.

Resolved, that the said Petition be refered to the next Session of the General Court, and that execution be Stayed till the third Wednesday of the same.

July 7, 1787.

Chapter 101.

Chap.101 RESOLVE ON THE PETITION OF *THEODORE SEDGWICK*, RENDERING VALID IN LAW SEVENTEEN ACTIONS COMMENCED IN THE COURT OF COMMON PLEAS, IN *BERKSHIRE* COUNTY.

Whereas it appears to this Court, that by means of a Report in the County of *Berkshire*, which was believed, that the Law, entitled an Act for rendering processes in the Law less expensive, was repealed, seventeen actions, which were commenced since the first day of *January* last past, and which were commenced on writs issued from the Clerk's office, are now depending in the Court of common pleas, in the said County; & whereas considerable expence & Loss will accrue to the plaintiffs, in those actions, should no provision be made for rendering Valid the processes on which the Said actions were commenced: Therefore

Resolved, that the processes aforesaid be, & they hereby are confirmed & rendered Valid, to all intents & purposes whatever, & that the proceedings & Judgments which have been or may be had in the Actions aforesaid,

shall have the same Operation & Effect to all intents & purposes, as if the Law aforesaid had never been made, any Law to the Contrary notwithstanding.

Provided always however, that nothing contained in the foregoing resolution shall have an effect to destroy or invalidate any attachments or conveyances which have since been made, agreeably to the provisions of the Law: And provided also, that the Costs to be Taxed in any of the Actions aforesaid, shall be the same as would have been Taxed, had the same been commenced in Due form of Law.

July 7, 1787.

Chapter 102.

RESOLVE ON THE PETITION OF *JOHN TAYLOR*, EMPOWERING HIM TO BRING FORWARD HIS APPEAL FROM A DECREE OF THE JUDGE OF PROBATE, AND THE JUSTICES OF THE SUPREME JUDICIAL COURT TO SUSTAIN SAID APPEAL, AT THEIR NEXT TERM AT *WORCESTER*. Chap. 102

on the Petition of *John Taylor* of *Douglass*, in the County of *Worcester*, praying for liberty to bring forward an appeal from a decree of the Judge of Probate, which decree was made in *March* last, on the final report of Commissioners of insolvency, upon the Estate of *Aaron Willard*, late of *Lunenburg*, deceased, on which Estate the Said *Taylor* has Certain Demands.

Resolved, that the prayer of his Said Petition be granted, and that the Said *John Taylor* be, & he hereby is impowered, to bring forward his appeal from the aforesaid decree, and the Justices of the Supream Judicial Court, at their next Term to be holden at *Worcester*, Within & for the County of *Worcester*, are to sustain the Said appeal, and to proceed thereon in the Same manner as they might have done, had the same been Claimed within the time limited by law for Claiming appeals from a Decree of a Judge of Probate: Provided nevertheless, that the said *Taylor*, shall on or before the tenth day of *August* next, give Satisfactory bonds to the Judge of probate for the said County, to prosecute his appeal, and at the Same time file in the Said office his reasons of appeal, and abide all other forms in the Said office, in the Same manner as he ought to have done, had he brought his said appeal within the time limited by law.

July 7, 1787.

Chapter 103.

Chap.103 RESOLVE DIRECTING THE SECRETARY TO DELIVER *JOHN TAYLOR*, ESQ; SUNDRY ORIGINAL PAPERS.

Resolved, That the Secretary be, and he is hereby Directed, to deliver to *John Taylor*, his Bonds and Other private papers Which were Committed with the Said *Taylor's* Petition, Praying for Liberty to Appeal from the Decree of the Judge of Probate for the County of *Worcester*.
July 7, 1787.

Chapter 104.

Chap.104 RESOLVE FOR EMPLOYING MESS'RS *ADAMS* AND *NOURSE*, PRINTERS, TO PRINT THE ACTS AND RESOLVES, AND ALL OTHER PRINTING OF GOVERNMENT FOR THE PRESENT YEAR.

Whereas *Adams* and *Nourse* have offered to print all the Laws & Resolves of the General Court the present year, gratis, provided they can have the privilege of performing all other printing for the Government the present year :

Resolved, that the said *Adams* & *Nourse* be paid out of the public treasury, the sum of *three shillings* for every Square for printing all acts, Resolves, proclamations & orders of Government, which they may be directed to print in their Newspapers; and that they be employed to perform all the other Printing of Government, for the present year, provided that the said *Adams* and *Nourse*, print all the Acts & Resolves of the General Court, gratis, on good paper, with a good Type, in as good a manner as was done the last year, to be stitched in blue paper, one set of which shall be delivered to each member of the General Court, and to each Town & Plantation in this Commonwealth; and the Secretary & Treasurer are hereby directed to govern themselves accordingly.

July 7, 1787.

Chapter 105.

Chap.105 RESOLVE GRANTING THE MESSENGER OF THE GENERAL COURT £20 TO ENABLE HIM TO PURCHASE FUEL.

Resolved, that there be allowed & paid out of the treasury of this Commonwealth, To *Jacob Kuhn*, Messenger To the General Court, the sum of *Twenty pounds*, to

Enable him to procure Fuel, Candles, &c. for the use of Government, he To be accountable for the expenditure thereof.

July 7, 1787.

Chapter 106.

RESOLVE SUSPENDING A RESOLVE PASSED THE 2^d INST. ON THE PETITION OF *JOTHAM BUSH*. Chap.106

Resolved, that the operation of a resolve of the General Court of the second day of this present month, for the purpose of paying to *Jotham Bush*, the sum of *one hundred pounds*, be, & the same hereby is suspended untill the further order of the General Court, any thing contained in the said resolve to the contrary notwithstanding.

July 7, 1787.

Chapter 107.

RESOLVE APPROPRIATING THE REVENUE ARISING FROM AUCTIONEERS, FOR PAYING THE CLERKS IN THE SECRETARY'S OFFICE. Chap.107

Resolved, that the Revenue arising to this Commonwealth from Auctioneers, be appropriated till the further order of this Court, for the purpose of paying the several clerks in the Secretary's-Office.

July 7, 1787.

Chapter 108.

RESOLVE ON THE PETITION OF *BAKERSTOWN*, AND SEVERAL OTHER TOWNS IN THE COUNTY OF *LINCOLN*, DIRECTING THEM TO CHOOSE MEET PERSONS IN EACH OF SAID PLANTATIONS, IN THE MONTH OF *AUGUST* NEXT, TO TAKE A VALUATION, &c. AND DIRECTING THE SHERIFFS IN THE MEAN TIME TO STAY EXECUTIONS. Chap.108

Resolved, That the plantation called *Bakerstown*, in the County of *Cumberland*, and the Plantation called *Wales*, in the County of *Lincoln*, be, & they hereby are severally directed to choose three meet Persons in each of the said Plantations, in the month of *August* next, who are hereby ordered, after having been sworn faithfully to discharge the trust hereby assigned them, to take a valuation of all the Valuable Estate of every Person in their respective plantations, also the number of Polls, agreeably to the Schedule, on which the last valuation was

taken, and to require the same to be given on Oath where they shall Judge it necessary, which Oath they are hereby empowered to administer; and the same to return into the Secretary's Office, on or before the third Wednesday in *October* next, in Order that the General Court may be enabled to make such abatements, as the Circumstances of the plantations aforesaid, and the situation of the Commonwealth, may require.

And it is further *Resolved*, that the Sheriffs of the Counties of *Cumberland* and *Lincoln* be, and they hereby are directed, in the mean time; to Stay the Executions they Severally may have against the Plantations aforesaid and the Secretary is hereby directed to send a Copy of this Resolve to each of the Plantations therein named, together with a Copy of the Schedule by which the last Valuation was required to be returned. *July 7, 1787.*

Chapter 109.

ROLL No. 8.

Chap.109

The committee on Accounts have examined & passed upon the Accounts presented, and report, that the Sums set against the Names of the Towns & persons hereafter named, are due to them; and if allowed, will be in full Discharge of the said Accounts.

JOSEPH HOSMER, per Order.

Viz.

To <i>William Segars</i> of <i>Gloucester</i> , for his Services and Monies advanced as Sergeant of y ^e Artillery, and taking care of public Stores till y ^e 16th <i>July</i> , 1786, from <i>March</i> 16th, 1784, ...	£.38 15 0
To <i>Samuel Huston</i> , for his Advances for y ^e Public, on Account of the Light House at <i>Gloucester</i> , from 1783, to <i>March</i> , 1787, Oil not included, ...	34 4 6
To Doct ^r <i>Porter</i> , for his care of <i>Aaron Gale</i> , a sick Soldier, & Medicines last Spring, as per Bill, and properly certified, ...	1 9 0
To Doct ^r <i>Sheldon</i> , for Visits & Medicines for Capt. <i>Ashley's</i> Men last <i>April</i> , as per Account examined by a Physician; which was y ^e case with the Account above, ...	3 10 0
To Doct ^r <i>Turner's</i> Bill, for Services done for <i>Josiah Holbrook</i> , a Soldier, last <i>Feb^r</i> , by order of General <i>Patterson</i> , ...	4 4 0
To y ^e same person for two Soldiers in Captn. <i>Blanchard's</i> Company, from <i>Feb^r</i> 1787, to <i>May</i> 18th, ...	8 0 0
To the Town of <i>Pepperrell</i> , for taking care of y ^e family of <i>James Marsten</i> , consisting of six Persons, he being in y ^e late Rebellion, and not a native of this Country, from <i>March</i> 2d, 1787, to <i>June</i> 2d, 1787, ...	17 0 0

To the Town of <i>Mendon</i> , for supporting <i>James Thompson</i> , one of y ^e State's Poor from y ^e 1st Sep ^r 1786, to y ^e 1st of <i>March</i> 1787, ...	£.8 0 0
To y ^e Town of <i>Uxbridge</i> for Board, extraordinary Trouble, Cloathing, &c. on account of <i>Betty Trifle</i> , one of y ^e State's Poor, from y ^e 26th Sep ^r , 1786, to <i>March</i> 26th, 1787, ...	15 12 0
To the Town of <i>Spencer</i> , for Boarding, &c. <i>Robert Griffin</i> , one of the State's Poor, from <i>Feb^r</i> 1784, to <i>May</i> 23d, 1787, ...	39 9 7
To the Town of <i>Lexington</i> , for Boarding <i>Sarah Fowle</i> , one of y ^e Poor of <i>Charlestown</i> , an infirm Woman, from <i>Jan^y</i> 1st, to <i>April</i> 1st, ...	5 17 0
Also from <i>April</i> 1st to <i>July</i> 1st 1787, ...	5 17 0
To the Town of <i>Southborough</i> , for Supplies afforded to <i>Nicholas Hopping</i> , & Family, <i>Charlestown</i> Poor, from y ^e 1st of <i>April</i> , 1786, to y ^e 1st of <i>April</i> 1787, ...	4 0 0
To <i>E. Haskell</i> , D. A. General, in General <i>Cobb's</i> Division, for his Services from y ^e 1st of <i>May</i> 1786, to y ^e 1st of <i>June</i> 1787, ...	18 0 0
To <i>Samuel Henshaw</i> , Esqr; for his Services in numbering and signing consolidated Notes, y ^e Acct ^s attested by y ^e Treasurer, ...	39 12 0
To Doct ^r <i>Abijah Cheever</i> for Visits & medicines on account of <i>Robert Wiley</i> , a State's Poor, from <i>Dec^r</i> 17th 1786, to <i>March</i> 24th 1787, ...	23 12 0
To the Estate of <i>Thomas Ivers</i> , Esqr; for Paper purchased of Mr. <i>Jonathan Amory</i> , from <i>March</i> 12th 1786, to <i>Oct^r</i> 9th 1786, which Paper was paid for by the Revd. Mr. <i>Samuel Parker</i> , one of y ^e Executors, ...	7 10 0
	£.274 12 1

Read and accepted, and thereupon, *Resolved*, that his Excellency the Governor, with the advice of Council, be, and hereby is requested, to issue his Warrant on the Treasury for the payment of the several persons borne on this Roll, the sums set against their names respectively, amounting in the whole to *two hundred & seventy four pounds, twelve shillings, & one penny.* *July 7, 1787.*

Chapter 110.

RESOLVE FOR EXPEDITING THE COLLECTION OF BACK TAXES,
EMPOWERING THE TREASURER TO ISSUE ALIAS EXECUTIONS AGAINST CONSTABLES AND COLLECTORS. *Chap.110*

Whereas by a Resolve passed the 6th day of *July*, A.D. 1786, the Treasurer of this Commonwealth, was directed not to issue Alias Executions, against any Constables or Collectors of the first moiety of the Continental Tax, granted in the year 1782, or any Tax granted before

that Period, after a Time limited by the said Resolve, unless by Direction of the Governor & Council. And whereas by Reason of the opposition to Law and justice, in the late Rebellion, the Sheriffs of several Counties have not been able to compleat the Collection of the Taxes aforesaid.

Resolved, that the Treasurer of this Commonwealth be, and he is hereby impowered & directed, to issue Alias Executions against all Constables & Collectors of Taxes against whom Executions have been issued, in consequence of the aforesaid Resolve; any thing therein contained to the contrary notwithstanding.

And it is further *resolved*, that the s^d Treasurer is hereby directed, immediately to issue his Executions against deficient Constables & Collectors of all the Taxes granted prior to *July* the 9, 1784. and if any Sheriff to whom Executions may be directed, in Consequence of the foregoing Resolves, shall neglect to return the same within the time limited by Law, or shall return such Executions in part satisfied, the said Treasurer is hereby directed, forthwith to issue an Execution against the Estate of such sheriff, directed to a Coroner of the same County, for the whole Sum due on the Executions against such deficient Constables or Collectors, that the said Executions may be levied and collected according to Law.

And it is further *resolved*, that the several Constables & Collectors of the Tax granted in *March*, 1786, be, and they are hereby impowered & directed, to continue receiving Army Notes & Indents or Certificates, agreeably to the Provision made in the said Tax Act; any Law or Resolve to the contrary notwithstanding; and the Treasurer is Hereby directed to govern himself accordingly. & he is hereby further directed, to issue his Executions against all the Constables and Collectors of the last mentioned Tax, & of the Tax granted *July* the ninth, in the year of our Lord, one thousand seven hundred & eighty four, who shall not on or before the first Day of *November* next, compleat the whole Sum or Sums committed to them respectively to collect.

And it is further *resolved*, that the Collectors of Paper Money Taxes, prior to the New Emission Money Tax, granted in 1781, be, and they are hereby impowered and directed, to receive the Specie Value thereof, agreeably to the Scale of Depreciation, in the Consolidated Notes of

this Commonwealth; and the Treasurer is directed to receive such Notes in discharge thereof accordingly.

And it is further *resolved*, that all Orders which have been, or hereafter shall be drawn by the Treasurer of this Commonwealth, upon Tax No. 1, No. 2, or No. 3, may, and shall be received in payment of either of the said Taxes indiscriminately.

And it is further *resolved*, that the several Sheriffs, to whom Executions may be committed agreeably to the foregoing Resolutions are hereby directed, to receive in payment (for any kind of Property taken by Distress from Constables or Collectors, & sold by virtue of the said Executions) any orders, Notes, or Certificates that will discharge the Tax, for which the said Property was taken; and all Constables & Collectors, are hereby directed to observe the same Rule in receiving Payment for any property taken by Distress (from any person or persons named in the Rate Lists,) and sold for the Discharge of Taxes committed them to collect.

Provided however, that in all Instances where any Collector of Taxes has advanced to the Treasurer of this Commonwealth, a Sum in Specie over and above the Collections he has made on his Rate List, and shall so make it appear to the Assessors of the said Tax, he may proceed to distrain, & dispose of property to the amount of the said Sum, in Specie, in manner as heretofore practiced; the foregoing Resolve notwithstanding.

And be it further *resolved*, that all orders drawn on the Specie part of Tax No. 5, may & shall be received of any person against whom the Collector may have a Demand for the Specie, in full payment and Discharge of his or her part or proportion of the said Specie, in manner aforesaid.

July 7, 1787.

Chapter 111.

RESOLVE ON THE PETITION OF JARED INGERSOLL AND OTHERS, ADMINISTRATORS ON THE ESTATE OF COL. JOHN BROWN, LATE OF PITTSFIELD, GRANTING £41 10s. FOR THE LOSSES SUSTAINED. Chap. 111

On the Petition of *Jared Ingersoll* and Others, administrators on the Estate of Col. *John Brown*, Late of *Pittsfield*, dec^d.

Resolved, for Reasons mentioned in the Said Petition,

that there be Paid out of the Treasury of this Commonwealth, to *Jared Ingersoll* and others, Administrators aforesaid, the Sum of *forty one Pounds Ten Shillings*, in full for the Losses Sustained, they to be accountable therefor, to the Judge of Probate for the County of *Berkshire*.
July 7, 1787.

Chapter 112.

Chap.112 RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE FOR METHODIZING ACCOUNTS, AND THE MESSENGER TO THE GOVERNOR AND COUNCIL, AND DISCHARGING THE CLERK AT THE TREASURER'S OFFICE, FOR CONSOLIDATING GOVERNMENT SECURITIES.

Resolved that the pay of the Committee for methodizing the public Accounts shall be for the future, the sum of *ten shillings* per day, for each member of the said Committee, & that the pay of the Messenger to the Governor and Council shall be for the future the sum of *seven shillings* per day.

and whereas it appears that the Clerk at the Treasurer's office for consolidating Government Securities, is at present useless, it is therefore further *resolved* that the said Clerk be discharged.
July 7, 1787.

Chapter 113.

Chap.113 RESOLVE AUTHORIZING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO CALL ON ALL PERSONS TO WHOM PUBLIC MONIES OR PUBLIC STORES HAVE BEEN COMMITTED, AND CALLING ON ALL TOWNS TO FORWARD A PARTICULAR ACCOUNT OF ALL BOUNTIES, AND DIRECTING THE SECRETARY, TREASURER AND COMMISSARY, TO FURNISH THEM WITH VOUCHERS FOR THE PAYMENT OF MONIES OR SUPPLIES.

On the memorial of *John Deming & Peter Boyer*, Committee for settling the Claims of this Commonwealth, against the United States;

Resolved that the Committee aforesaid are hereby Authorized and directed to call on all persons, to whome public Monies or Public Stores have been Committed, and who have not Accounted, to bring in their Vouchers for the expenditure of the same, and Compleat their settlement within Three Months from the date of this resolve — and if such persons do not compleat the Settlement within that Time, the Committee aforesaid are hereby directed to furnish the Attorney General with a

Copy of the Accounts of such public defaulters; and the Attorney General is hereby directed to prosecute them without delay.

And it is further *Resolved* that the said Committee are hereby Authorized and directed, to Call on the Selectmen of the several Towns in this Commonwealth, who have not already so done, to forward to them a Particular Account of all Bounties for raising Men for the Continental Army or the Militia Called into Service during the late War, made either by Towns, Classes, or Individuals; and the Selectmen of the several Towns in this Commonwealth, are hereby required to furnish the said Accounts within Three Months from the date of this Resolve, to the Committee Aforesaid, accompanied with proper vouchers, and if such vouchers cannot be Obtained, the Selectmen are directed to produce the best evidence they can procure in Order to support the several payments.

And it is further *Resolved* that the Secretary, Treasurer, and Commissary General, and also the Executor or Executors of the late Treasurer *Ivers*, & all others possessed of Vouchers necessary for the settlement of the public accounts, be directed to furnish the Said Committee, with all vouchers for the payment of Monies, or supplies by this Commonwealth, on Account of the united States, that may be in their respective offices.

And it is further *Resolved* that the Committee aforesaid be empowered (if they find it necessary) to employ one or more Clerks in addition to the one now in their office — and that the Secretary be directed to Print this Resolve in *Adams & Nourse's paper*.
July 7, 1787.

Chapter 114.

RESOLVE PROHIBITING ANY PROSECUTIONS AGAINST ANY PERSONS FOR SEDITION OR SEDICIOUS PRACTICES, FROM THE 1ST OF JUNE 1786, TO THE 13TH OF JUNE LAST.

Chap. 114

Resolved that untill the End of the next Session of the General Court, there shall be no prosecution by indictment, commenced, had, or further proceeded on against any person or persons, Citizens of this Commonwealth, for Sedition, or Seditious Practices, which shall have been committed within this Commonwealth, at any time from the first day of *June* 1786, to the thirteenth day of *June* last past.
July 7, 1787.

Chapter 115.

Chap.115 RESOLVE ALLOWING THE ACCOUNTS OF THE COUNTY TREASURER FOR THE COUNTY OF *ESSEX*, AND GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS IN SAID COUNTY.

Whereas it appears upon Examination of the Settlement of Accounts between y^e General Sessions of the peace, for the County of *Essex*, and the Treasurer of the said County, on *April* y^e 15th, 1787, that all the Money Granted and allowed by the said Cort of Generale sessions of the peace for the year passt, Were for such purposes and appropriations, as by Law the said Cort were Empowered to Grant: Therefore,

Resolved, that the said accounts be accepted and allowed.

And Whereas it appears from an Estimate of the Justices of the said Court, Made at their sessions on the first Tuesday of *april* 1787, that the sum of *Six hundred*, and *Thirty pounds*, Will be Necessary for Defraying the Charges of the said County, for one year next ensuing:

therefore, *Resolved*, that there be, and hereby is Granted a Tax of *six Hundred*, and *thirty pounds*, to be apportioned on the polls and Estates of the Inhabitants of the said County of *Essex*, and assessed, Collected, and applyed according to the Laws of this Commonwealth.

July 7, 1787.

Chapter 116.

Chap.116 RESOLVE UPON THE PETITION OF *JOSEPH GREENOUGH*, DIRECTING THE COLLECTOR TO DELIVER THE HATS MENTIONED.

Upon the petition of *Joseph Greenough*, shewing that he had ordered from *London*, a quantity of hats of various kinds, before the late act, prohibiting the importation of that commodity; that not being able to countermand the said orders seasonably, the said hats are arrived, and are now in the custody of the Collector of Impost and Excise for the county of *Suffolk*, and praying that the said hats may be delivered to him upon his paying the full duties on the importation of hats, at the time of passing the said prohibition:

Resolved, That the said Collector be, & he is hereby directed, to deliver to the said *Joseph Greenough* the said hats, upon his paying the duties aforesaid, together with

the charges that have already accrued, any act or resolution to the contrary notwithstanding. *July 7, 1787.*

Chapter 117.

RESOLVE ESTABLISHING THE PAY OF THE TROOPS ORDERED TO BE RAISED BY A RESOLVE OF THE 13TH INST. AGREEABLY TO THE PROVISION MADE BY THE RESOLVES OF THE 6TH AND 25TH OF FEBRUARY LAST, AND ALLOWING THE SAME RATIONS, AND HOW PAID. *Chap.117*

Resolved, That the pay of the Commissioned Officers, non-commissioned officers and privates, ordered to be raised by the Resolve of the 13th Instant be the Same as was provided by the Resolves of the 6th & 25th of *February* last, for the Troops, then in the Service of this Commonwealth, and that the Same Rations be allowed as by the last Establishment of the Continental Army, and that the Said Officers and privates be paid out of the first moneys that shall come into the treasury from that part of the Impost and Excise Appropriated for the use of Government; and from that part of the Specie Tax granted in *March* 1786, and Appropriated for the use of Government, or from any Additional impost & Excise, or any future Tax that is not already appropriated.

Provided however, that the said payments be not made out of any monies heretofore appropriated by government to other uses. *July 7, 1787.*

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

TOGETHER WITH THE SPEECH AND MESSAGES OF HIS EX-
CELLENCY THE GOVERNOR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUF-
FOLK*, ON WEDNESDAY THE 30TH DAY OF *MAY*, ANNO
DOMINI, 1787; AND FROM THENCE CONTINUED BY AD-
JOURNMENT, TO WEDNESDAY, THE SEVENTEENTH DAY
OF *OCTOBER* FOLLOWING.

Chapter 1.*

Chap. 1

[October Session, ch. 1, 1787.]

Chapter 2.

RESOLVE ON THE PETITION OF *JOSEPH AARON*, AN INDIAN,
NATIVE OF *GRAFTON*, EMPOWERING THE TRUSTEES TO SELL
THE LANDS MENTIONED.

Chap. 2

On the Petition of *Joseph Aaron*, an Indian, Native of
the Town of *Grafton*, praying for liberty to sell four
Acres of Land, to enable him to pay his just Debts, for
reasons set forth in the said Petition :

Resolved, that the prayer thereof be Granted, and that
the Trustees of the said *Grafton*, Indians, be, and they
are hereby empowered to sell the four Acres of Land,
mentioned in the petition, belonging to the said *Joseph
Aaron*, and to give a Good Deed or Deeds thereof, they
observing the rules prescribed by law, for the Sale of
Lands belonging to the Indians, and that the proceeds

* Governor's speech, see end of volume.

arising by such sale, be applied by the said Trustees to the discharge of the said *Joseph Aaron's* just debts.

October 19, 1787.

Chapter 3.

Chap. 3 RESOLVE ON THE PETITION OF *JAMES SWAN*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

Upon the petition of *James Swan*, of *Dorchester*, praying that an appeal be granted him from the Judgement of *Tho^s Crafts*, Esquire which was rendered in favor of *Emanuel Elam*:

Resolved, that the said petitioner serve the adverse party with a copy of the said petition, & this Resolve thereon, twenty days preceding the second Wednesday of the next Sessions of the General Court, to appear, if he see fit, to shew cause why the prayer of the said Petition should not be granted, & in the mean time that Execution be stayed.

October 19, 1787.

Chapter 4.

Chap. 4 RESOLVE ON THE PETITION OF *CHARLES FURBUSH*, DIRECTING THE SHERIFF OF THE COUNTY OF *ESSEX*, TO STAY THE EXECUTION MENTIONED, UPON CONDITION.

Upon the Petition of *Charles Furbush*, setting forth, that at the Supreme Court holden at *Salem*, in the month of *November*, A. D. 1779, he, together with one *Aaron Blanchard*, were recognized as Sureties for the Appearance of one *Oliver Whiting*, and that the said *Whiting* failed to make appearance, &c. praying for Relief as set forth in the said Petition:

Resolved, that the prayer of the said Petition be so far granted, as that the Sheriff of the County of *Essex*, be, and he hereby is directed to stay Execution, and not to levy the same, upon Condition he, the said *Charles*, shall & does procure good and sufficient Sureties for the payment of *forty pounds*, in Consolidated Notes, into the Treasury of this Commonwealth, and also the Sum of *thirteen Pounds, four Shillings and ten pence*, lawful Money, being the costs of Court, into the Treasury of the aforesaid County of *Essex*, within twelve Months, which payments when made shall be in full Satisfaction and Discharge of the said Execution. *October 22, 1787.*

Chapter 5. •

RESOLVE ON THE PETITION OF *GEORGE TALBOT*, GRANTING HIM, £3 12 4, OUT OF THE PROCEEDS OF THE ESTATE OF *WILLIAM BIRCH*, AN ABSENTEE. *Chap. 5*

On the Petition of *George Talbot*, praying that he may be allowed the Sum of *three pounds twelve shillings and four pence*, out of the Estate of *William Birch*, an Absentee :

Resolved, that the Treasurer be, and he is hereby directed to pay to *George Talbot*, the Sum of *three pounds, twelve shillings & four pence*, out of the Proceeds of the Estate of *William Birch*, an Absentee, the same being in discharge of the s^d *Talbot's* Demand against s^d Estate.

October 23, 1787.

Chapter 6.

RESOLVE GRANTING PROTECTION TO PERSONS WHO SHALL HAVE OCCASION TO ATTEND ON BUSINESS PENDING BEFORE THE GENERAL COURT. *Chap. 6*

Resolved, that the right of granting writs of protection to persons who have business pending at the General Court, and whose attendance there, on examination by Committee, or otherwise, appears to be necessary, is a right incident to either House, or both Houses of the Legislature, to continue as long, and no longer, than the nature of the business shall require, and that either House has a right to order it's Clerk, to issue such writ, in favor of such person, for such reasons, and in the same way as heretofore has been the usual custom, upon proper application.

October 23, 1787.

Chapter 7.

RESOLVE ALLOWING THE NAVAL OFFICER, FOR THE PORT OF *BOSTON*, £300 PER ANNUM, AND DIRECTING THE NAVAL OFFICERS IN THE SEVERAL SEA-PORTS, TO KEEP AN ACCOUNT OF THEIR FEES, AND TRANSMIT THE SAME TO THE TREASURER. *Chap. 7*

Whereas from the Multiplicity of the business in the Naval Office, of the port of *Boston*, the fees received in the said Office, may amount to a greater sum than will be sufficient for the maintenance and support of the said Officer :

Resolved that from and after the passing of this resolve, there be allowed to the Naval Officer, for the port of *Boston*, out of the fees received in the said Office, the sum of *three hundred pounds* per Annum, for his support and the pay of his Deputy, and all other expences attending the business of the said Office, provided the fees annually received therein, may amount to the said sum, and the residue if any there be, shall be paid into the public Treasury, any law or Resolve to the contrary notwithstanding.

And it is further *resolved*, that the Naval Officers within this Commonwealth be, and they hereby are directed to keep an exact account of the fees annually received in their respective Offices and transmit the same, under oath, once a year, to the treasurer of this Commonwealth.

October 23, 1787.

Chapter 8.

Chap. 8 RESOLVE ON THE PETITION OF JONATHAN WOOD, EMPOWERING TWO JUSTICES TO GRANT HIM A LICENCE TO KEEP TAVERN.

On the Petition of *Jonathan Wood*, who was not licenced as an Innholder, at y^e last Court of General Sessions in y^e County of *Essex*, by reason that his Certificate from the Collector of Excise by some accident was mislaid, and as the said Certificate has been since found :

Resolved, That any two Justices of y^e Peace in y^e same County, quorum unus, be, & they hereby are empowered & directed to grant a Licence to the petitioner, agreeable to the prayer of his Petition, until the next Court of General Sessions in said County for granting Licences, he observing & complying with the Laws of this Commonwealth, relative to Innholders.

October 24, 1787.

Chapter 9.

Chap. 9 RESOLVE RECOMMENDING TO THE PEOPLE TO CHOOSE DELEGATES FOR THE CONVENTION, TO MEET AT THE STATE-HOUSE IN BOSTON, THE SECOND WEDNESDAY IN JANUARY NEXT, AGREEABLY TO A RESOLUTION OF CONGRESS, &c.

Whereas the convention lately assembled at *Philadelphia*, have reported to Congress a Constitution for the United States of *America*, in which convention were represented the States of *New Hampshire*, *Massachusetts*,

Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, which Constitution was unanimously approved of by the said States in convention assembled: and whereas that Convention resolved, that the said constitution should be laid before the United States in Congress assembled, and that it was their opinion that it should be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

And whereas the United States in Congress assembled, by their resolution of the 28th of *September* last, unanimously resolved, that the Constitution so reported, be transmitted to the several legislatures, in order to be submitted to a convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the said convention, in that case made and provided; and whereas the said constitution has been transmitted to the Legislature of this Commonwealth accordingly:

It is therefore *resolved* that it be, and it is hereby recommended to the people of this Commonwealth, that a convention of Delegates be chosen, agreeably to, and for the purposes mentioned in the resolution of Congress aforesaid, to meet at the State House in *Boston*, on the Second Wednesday of *January* next, and that the constitution so reported, be submitted to the said convention, for their assent and ratification; and that the said convention assenting to and ratifying the same, give notice thereof to the United States in Congress assembled, in conformity to the resolves of the said Convention, in that case made and provided.

And it is further *resolved*, that the Select Men of the several Towns and districts within this Commonwealth, be, and they are hereby directed, to convene as soon as may be, the inhabitants of their several Towns and Districts qualified by law to vote in the election of representatives, for the purpose of chusing delegates to represent them in the said convention.

And to preserve an equality to the people in their representation in the said Convention, that the several towns and districts elect respectively, by ballot, not

exceeding the same number of Delegates as by law they are entitled to send representatives to the General Court.

And it is further *resolved*, that the Secretary immediately procure to be printed a sufficient number of copies of these resolutions, as also of the said Constitution, with the Resolutions of the Convention, & their letter to the President of Congress accompanying the same; and also of the resolution of the United States in Congress assembled, thereupon, and that he transmit three copies of the same, as soon as may be, by Expresses, to the sheriffs of the several Counties, within this Commonwealth, with positive directions to be by them, or their Deputies, without delay, personally delivered to the Selectmen of each Town and District within their respective Counties.

And it is further *Resolved*, that the Selectmen, or the major part of the Selectmen, of each Town or District, shall certify the Election of such person or persons as may be appointed by their respective Towns or Districts, as a Delegate or Delegates to the Convention aforesaid.

And it is further *Resolved*, that the several delegates of the said Convention, be allowed for their travel & attendance, out of the public treasury, the same pay as will be allowed to the Representatives therefor this present session, & that the same be defrayed at the public expence.

And it is further *Resolved*, that his Excellency the Governour be, & he hereby is requested, with advice of Council, to issue his warrant upon the Treasurer, directing him to discharge the pay-roll of the said Convention, out of any monies which will then be in Treasury.

And it is further *resolved*, that if there shall not be sufficient monies then in the treasury for that purpose, the Treasurer is hereby authorized & directed to borrow sufficient monies therefor on such funds of the Government as are not appropriated.

October 25, 1787.

Chapter 10.

Chap. 10 RESOLVE DIRECTING THE TREASURER RESPECTING PAYING OFFICERS AND SOLDIERS ORDERS.

Resolved, that the Treasurer be, and he is hereby directed, to pay the orders drawn by Officers and soldiers mentioned in a resolve of the General Court, *May 2, 1787*, in the same way & manner he might have done, had they been presented before the 20th day of June last.

October 26, 1787.

Chapter 11.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CUMMINGTON. *Chap. 11*

On the Petition of the Select Men of the Town of *Cum-mington*, setting forth that when they were only the Plan-tation of No. 5, and previously to their Incorporation, they had Taxes apportioned to them, at various Times, to the Amount of *Three Hundred and seventy seven pounds, ten shillings & two pence two farthings*, and praying an abatement thereof.

Resolved That the sum of *Three Hundred and seventy seven pounds, ten Shillings and two pence two farthings*, the whole Amount of the Taxes aforesaid be, and hereby is remitted to the Said Town of *Cumington*, and the Treasurer is hereby directed to govern himself accord-ingly.

October 26, 1787.

Chapter 12.

RESOLVE ON THE PETITION OF JOSHUA MARIAM, GRANTING 12s. *Chap. 12*

Resolved, that there be allowed & paid out of the Pub-lick Treasury of this Common Wealth, to the s^d *Joshua Mariam*, the sum of *Twelve shillings*, in full for his ser-vices as a Soldier, in Col. *Lovel's* Regiment, his name having been omitted in the Muster Roll.

October 26, 1787.

Chapter 13.

RESOLVE DIRECTING THE TREASURER TO BORROW MONEY SUFFICIENT TO PAY THE CLERKS, IN THE SECRETARY'S AND TREASURER'S OFFICE; THE CLERK TO THE COMMIT-TEE FOR SETTLING PUBLIC ACCOUNTS, CLERKS OF THE TWO HOUSES, AND MESSENGERS, £.30 EACH, &c. *Chap. 13*

Upon the Petition of *William Harris* & others, Clerks in the Secretaries Office, & upon the Petition of *Joseph Laughton* & others, Clerks in the Treasurer's office, setting forth, that they have received no pay for their services for a long time past, and that their Circumstances require the Interposition of Government, for their immediate relief.

Resolved, that the Treasurer be, & he hereby is directed, to borrow money upon the faith of this Government, suf-ficient to pay to each of the Clerks, in the Secretary's

office, & to each of the Clerks in the Treasurer's office, to the Clerk of the Senate, to the Clerk of the House of Representatives, to the Clerk of the Committee for settling with the Army, to the Messenger of the General Court, & the Messenger to the Governor and Council, *One hundred Dollars* each, on account of their wages respectively, provided so much be due, and to the Messenger of the General Court, *one hundred Dollars*, to enable him to purchase fuel, Candles & other necessaries for the two Houses, he to be accountable for the same; and also to the Messenger to the Governor & Council, *One hundred and eighty Dollars*, in consideration of money he has already advanced, for necessaries for the Council Chamber and Secretaries Office, and to enable him further to purchase Fuel, Candles & other necessities for the use of the Council Chamber and Secretaries Office, he to be accountable for the same, all which sums to be repaid, from the first monies which may come into the Treasury, not already appropriated.

October 27, 1787.

Chapter 14.

Chap. 14 ORDER RELATIVE TO THE SUSTAINING THE PETITION OF PERSONS, WHO SHALL APPLY FOR ACTS OF NATURALIZATION.

Ordered, that in future no Application or Petition from any Person or Persons praying for an Act of Naturalization, shall be sustained, unless accompanied by sufficient Recommendations & a certificate setting forth the length of time which such petitioner or petitioners, May have resided within this Commonwealth.

October 29, 1787.

Chapter 15.

Chap. 15 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF GROTON, TO CHUSE A COLLECTOR.

On the Petition of the Select Men of the Town of Groton.

Resolved, for Reasons set forth in the said Petition, that the said Town of Groton, in the County of Middlesex, be empowered to chuse a Collector in the room of William Farewell, who was chosen constable for s^d Town, A. D. 1781, and commit to such Collector, the State Tax, which was committed to the s^d Farewell, who is hereby empowered and required to Collect the Same; And the

Sheriff of the s^d County, is hereby ordered to stay execution for s^d Tax, three Months from the Date of this Resolve.

October 29, 1787.

Chapter 16.

RESOLVE ON THE PETITION OF *JOHN TUCKER*.

Chap. 16

Upon the petition of *John Tucker*, praying for relief against a judgment recovered by *Abiel Wood*, against him, before *Thomas Rice* Esquire.

Resolved, that the said *John Tucker*, notify the said *Abiel Wood* to appear, on the second Wednesday of the next Session of the General Court, & shew cause if any he has, why the prayer of the said *John Tucker's* petition, should not be granted, by serving the said *Abiel Wood* with an attested copy of his petition, & of the resolve of Court thereon, twenty days at least before the said second Wednesday; and that Execution be stayed in the mean time.

October 29, 1787.

Chapter 17.

RESOLVE ON THE PETITION OF *JOTHAM BUSH*, EMPOWERING *WILLIAM GREENLEAF*, SHERIFF FOR *WORCESTER*, TO PAY HIM £.100, FOR REASONS MENTIONED.

Chap. 17

On the Petition of *Jotham Bush*, for reasons set forth in said Petition.

Resolved, that *William Greenleaf*, Esqr. Sheriff of the County of *Worcester* be, and he is hereby directed to pay to *Jotham Bush*, the sum of *one hundred pounds*, which the said *Greenleaf* received of the said *Bush*, in discharge of an execution issued on a Judgment of the Supreme Judicial Court, held within the County of *Worcester*, in *September 1784*, against the said *Jotham Bush*, as bondsman for the appearance of *Benjamin Fisk*, at the said Court, there to answer a process entered against him in behalf of the Commonwealth, it appearing to the satisfaction of this Court, that the said *Fisk* was prevented attending the said Supreme Judicial Court, by reason of sickness, and that he did afterwards appear before the said Supreme Judicial Court, answer to the said process, and satisfy the judgment thereon.

October 29, 1787.

Chapter 18.

Chap. 18 RESOLVE ON THE PETITION OF *WILLIAM GREENLEAF*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

On the Petition of *William Greenleaf*, Esqr. Sheriff of the County of *Worcester*, and *John King* his Deputy, praying a new trial upon an action brought against the said *John King*, by *James Prout* of *Waltham*.

Resolved, that the Petitioners notify the said *James Prout*, to appear on the second Wednesday of the next sitting of the General Court, to shew cause if any he has, why the prayer of the said Petition, should not be granted, by lodging with the said *James*, an attested Copy of their Petition, and this Resolve thereon, at least thirty days, previous to the same second Wednesday, and that all proceedings by virtue of any execution issued on the Judgment mentioned in the said Petition, be in the mean time stayed.

October 29, 1787.

Chapter 19.

Chap. 19 RESOLVE AUTHORIZING THE SEVERAL COURTS OF THE GENERAL SESSIONS OF THE PEACE, FOR THE REMAINDER OF THE YEAR, TO GRANT LICENCES TO SUCH PERSONS AS ARE DESCRIBED IN SAID RESOLVE.

Whereas provision was made in, and by an Act passed in the year of our Lord 1785, that no person should from and after the passing the said Act, be licenced to be a taverner, Innholder or retailer, unless he produced in Court, a Certificate or receipt from the Collector of Excise for the County, or his Deputy, that he has accounted and paid his Excise at the several periods assigned by the said Act, or within thirty days thereof:

And whereas it is represented to this Court, that some persons heretofore licenced, when they applied to have their Licences renewed, failed of the same on Account of their not having paid their Excise within the time Limited by Law for that purpose, although they had paid the same previous to such application, owing to their not having been informed of the provision aforesaid or otherwise, whereby injury may arise to themselves & to the public.

Therefore *Resolved*, that the several Courts of General Sessions of the peace in this Commonwealth, be, and hereby are authorized and impowered to grant Licences

for the remainder of the year, to such persons as above described, at their next term after the passing this Resolve, or the adjournment of their last term (as the case may be) the above defect notwithstanding. Provided that nothing in this Resolve, shall be construed so as to authorize any Licences Contrary, to the above mentioned provision, at any further time.

October 29, 1787.

Chapter 20.

RESOLVE ON THE PETITION OF EDMOND PHINNEY, ESQ; AND OTHERS, CONSIDERING ANY ACTION INSTITUTED AGAINST THE SAID COMMITTEE AND DECIDED BY THE COURT, BEFORE WHOM SUCH ACTION MAY BE BROUGHT. Chap. 20

On the Petition of *Edmond Phinney*, Esqr; and others, *Resolved*, That *Edmond Phinney John Deane* Esq's, and *Enoch Perley*, appointed a Committee by the Court of General Sessions of the Peace, for the County of *Cumberland*, which was begun and holden at *Portland*, in the s^d County, on the last Tuesday of *May*, A. D. 1786, agreeable to a Law of this Commonwealth, entitled "An Act for opening Sluice Ways, in the Mill Dam or Dams which have or may be erected on *Presumpscut-River*, in the County of *Cumberland*, and upon any Stream or Streams which fall into the Same River — Passed the 14th of *March* 1785, be and they are hereby Empowered to Recover the Compensation prescribed by the said Law, for any services by them performed, within the year for which they were appointed a Committee, and in the Same Manner to all Intents and purposes, as if the s^d Law had not been repealed. And the Justices of the Peace for the s^d County, and of the Judicial Courts, are directed to govern themselves accordingly.

Resolved, that any Action Instituted against the said Committee or either of them, Shall be considered and Decided by the Court, before whom Such Action may be brought, in the Same manner, as if the s^d Law was still in Force.

October 29, 1787.

Chapter 21.

RESOLVE AUTHORIZING THE COURT OF SESSIONS FOR THE COUNTY OF WORCESTER, AT THEIR NEXT SESSIONS IN NOVEMBER NEXT, TO ACT UPON ANY REPORTS MADE TO THE SAID COURT, IN SEPTEMBER 1786. Chap. 21

Whereas the Court of General Sessions of the Peace for the County of *Worcester*, were prevented from sitting

at the term by Law to have been held in *September* 1786, at which term there were reports made by Several Committees appointed by the Said Court of Sessions, to Lay out roads in the said County, which Reports are now rendered void without the interposition of this Court.

Resolved, that the Court of General Sessions of the Peace, for the County of *Worcester* be, & they hereby are authorized & Empowered, at their adjournment, to be holden at *Worcester*, on the third Tuesday of *November* next, or at any future Session, to take up & act upon any Report or Reports made to the Said Court of Sessions, in *September* 1786, by Committees appointed to View or Lay out County Roads or Town Ways, in the same manner as they might by law have done at their term in *September* 1786.

October 29, 1787.

Chapter 22.

Chap. 22 RESOLVE ON THE PETITION OF *EDWARD BRINLEY*, EMPOWERING THE JUDGE OF PROBATE OF *SUFFOLK*, TO AUTHORIZE THE COMMISSIONERS TO PASS UPON THE CLAIMS MENTIONED.

Upon the petition of *Edward Brinley*, representing that he was unable to exhibit his claims against the estate of the late *Eliakim Hutchinson*, Esqr; a Conspirator deceased, by reason that his note was carried out of the Country:

Resolved, that the Judge of Probate for the County of *Suffolk*, be, and hereby is empowered & directed, to authorize the Commissioners heretofore appointed or other suitable persons, to pass upon the claims of the said *Edward Brinley*, in the same manner as they might have done had the claims been exhibited within the time limited by Law.

October 30, 1787.

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF *SAMUEL HUSTON*, GRANTING HIM £ 34 4s 6d, BEING THE AMOUNT OF HIS ACCOUNT FOR SUPPLIES.

Upon the Petition of *Sam^l Huston*, setting forth that he furnished all the Cotton, to supply the Light House on *Thatcher's Island*, for one year, for which he has rec^d no payment.

Resolved, that there be allowed & paid out of the pub-

lic Treasury, to the said *Huston*, the sum of *thirty four pounds four shillings and six pence*, being the amount of his acc^t for the aforesaid supplies as allowed by the Committee on Accounts, out of the funds arising from light money, or the surplusage of Naval Officers Fees, brought into the Public Treasury.
October 31, 1787.

Chapter 24.

RESOLVE ON THE PETITION OF *THOMAS CLARKE*, DIRECTING THE SHERIFF OF *ESSEX*, TO DISCHARGE HIM OF A FINE MENTIONED.

Chap. 24

On the Petition of *Thomas Clarke*, setting forth that he became Surety to this Commonwealth, in behalf of one *Paul Huston*, who was sentenced by y^e Supreme Judicial Court to pay a fine to the Commonwealth, of *thirty Pounds*, & praying that he may be allowed to pay the s^d Fine in Government Securities :

Resolved, that the Prayer of the Petition be granted, & y^e Sheriff of y^e County of *Essex*, is hereby directed to discharge the s^d *Thomas Clarke*, upon his paying him the s^d Fine of *thirty Pounds*, in consolidated Securities of this Commonwealth, provided the s^d *Clarke* pay y^e Costs of Prosecution in Specie.
November 1, 1787.

Chapter 25.

RESOLVE APPROPRIATING THE ONE PER CENT. DUTY ARISING FROM AUCTIONEERS, TO THE BANK, TO PAY MONEY TO BE BORROWED FOR CLERKS, &c. IN THE SEVERAL OFFICES.

Chap. 25

Whereas by a Resolve of the General Court, passed on the 27th Instant the Treasurer was directed to borrow upon Loan a sum of money sufficient to pay to the Clerks of the Secretaries and other Public Offices, & for other purposes therein mentioned, & did direct the Treasurer to repay the Money so borrowed from the first monies which sh^{ld} be brought into the Treasury, from the Revenue arising from Impost and Excise, or in any other way so as not to interfere with appropriations previously made: And whereas by a Resolve of the 7th of *July* last, it was ordered, that the Revenues arising from Auctioneers should be appropriated from that time to the next Session of the General Court for the purpose of paying the several

Clerks in the Secretarys office, which time being expired, it is therefore

Resolved, That the revenues which shall accrue to this Commonwealth, from Auctioneers, after the commencement of the present Sessions of the General Court, be, & they hereby are appropriated to the repayment of the Money which may be borrowed by the Treasurer in virtue of the Resolve of the 27th instant as aforesaid, & that the Treasurer govern himself accordingly.

November 1, 1787.

Chapter 26.

Chap. 26 RESOLVE GRANTING JOHN LUCAS, ESQ; COMMISSARY OF PENSIONERS £2000 FOR THE PURPOSE OF PAYING THE WAGES DUE TO PENSIONERS, AND DIRECTING THE TREASURER IN THIS CASE.

On the Memorial of *John Lucas*, Esquire; Commissary of Pensioners, in behalf of the Invalids unable to do Garrison duty, and who remain unpaid since the 17th of *March*, 1786:

Resolved, That there be paid out of the Treasury of this Commonwealth to *John Lucas*, Esqr; Commissary of Pensioners, the sum of *Two Thousand pounds*, for the purpose of paying in part the Wages due to the said Pensioners, The said Commissary to be Accountable therefor.

And it is further *Resolved*, that the Treasurer of this Commonwealth, be, & He is hereby empowered and directed, to pay the sum granted by this Resolve, in Orders, in favour of such Persons And in such sums as the said Commissary shall request, which orders shall be received in payment for the specie part of Tax No. 5, granted in the year 1786; and the same to be charged to the United States.

November 2, 1787.

Chapter 27.

Chap. 27 RESOLVE DIRECTING THE HON. SAMUEL HOLTEN, ESQ; TO PAY £114 4s. IN HIS HANDS, TO THE TREASURER, AND DISCHARGING HIM OF THE BALANCE DUE TO HIM FOR SERVICES IN CONGRESS.

Whereas by a Resolution of the General Court passed the 7th day of *October*, 1786, the sum of *Two hundred pounds* was granted to the Honourable *Samuel Holten*, Esquire; a Delegate from this Commonwealth in Congress,

he to be accountable for the same, and by reason of indisposition he was under a necessity of returning before the same became due for his services as aforesaid :

therefore *Resolved*, that the Honourable *Samuel Holten*, Esquire; be, and he is hereby directed to pay into the Publick Treasury, the sum of *One hundred, fourteen pounds four shillings*, now remaining in his hands, and that he be discharged of the further sum of *Eighty five pounds sixteen shillings*, due to him for his services in his said capacity, from the 13 day of *June*, to the 17 day of *August* inclusive, at *Twenty six shillings* per day, agreeably to the establishment made by the General Court.

November 2, 1787.

Chapter 28.

RESOLVE FOR PAYING THE DELEGATES OF THIS STATE TO
ENABLE THEM TO PROCEED TO CONGRESS, DIRECTING THE
TREASURER TO BORROW ON LOAN £300. Chap. 28

Upon Representation of the Treasurer, that he has it not in his power to pay to the Honourable *Samuel A. Otis*, & *George Thatcher*, Esq^s, Warrants presented by them to him for *two hundred Pounds* each, issued by his Excellency with advice of Council, to enable them to proceed to Congress, having no money in his Office.

Resolved, that the Treasurer be, and he hereby is directed to procure upon loan the sum of *three hundred pounds*, & to pay therewith *One hundred and fifty pounds*, to each of the aforesaid Delegates, for the purposes mentioned, they to account for the same, and that he repay the said amount from the first monies that shall be received into the Treasury not already appropriated.

November 2, 1787.

Chapter 29.

RESOLVE EMPOWERING CONSTABLES AND COLLECTORS OF THE
TAX GRANTED IN MARCH 1786, TO CONTINUE RECEIVING
ARMY NOTES, INDENTS OR CERTIFICATES AGREEABLE TO
THE PROVISION MADE IN SAID TAX, UNTIL THEY HAVE
COMPLETED THE COLLECTION, AND DIRECTING THE TREASURER
TO RECEIVE THE SAME. Chap. 29

Whereas the General Court, by their resolution of the 7th day of *July* last, among other things provided that the Constables & Collectors of the tax granted in *March*

1786, be impowered & directed to continue receiving army notes and indents, or certificates agreeably to the provision made in the said tax act; and that the treasurer should govern himself accordingly: And whereas doubts have arisen to what length of time the powers and directions aforesaid, given to Constables & Collectors should extend; To remove which doubts,

Be it *Resolved*, That the Constables & Collectors of the said tax, be, & they are hereby Empowered & directed to continue receiving army notes, indents or certificates agreeably to the provision made in the said tax act, until they have compleated the collections, to them respectively committed; and the Treasurer is hereby directed to receive the same accordingly, as well as of the said Constables & Collectors, in discharge of their collections, as of the Sheriffs of the several Counties, in discharge of Executions issued for arrearages of the said tax.

November 3, 1787.

Chapter 30.

Chap. 30 RESOLVE ON THE PETITION OF *JOSIAH CHENEY*, EMPOWERING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES IN THE COUNTY OF *WORCESTER*, TO EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of *Josiah Cheney*, praying that a Deed of a certain tract of Land may be executed to him, which Land the said *Josiah* purchased of *Eliakim Hutchinson* a Conspirator, before his departure from this Commonwealth, as by the said *Hutchinson's* obligation appears:

Resolved, That the Committee of the County of *Worcester*, for the sale of confiscated Estates, be, and are hereby empowered and directed, to execute to *Josiah Cheney*, a good & sufficient deed of all the Lands mentioned in the obligation given to the said *Josiah*, by *Eliakim Hutchinson*, he the said *Josiah Cheney*, first paying into the hands of the said Committee such a sum in public securities as they in equity shall think just, all Circumstances considered: And the said committee are directed to pay into the public Treasury the amount of the securities they shall so receive, taking duplicate receipts, one of which to be lodged in the Secretaries office.

And it is further *Resolved*, that the said *Cheney*, be, & he hereby is discharged from any obligation he may have given to the said *Hutchinson*, on account of the said Lands.

November 5, 1787.

Chapter 31.

RESOLVE ON THE PETITION OF *JACOB KEEN*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. AND STAYING EXECUTION IN THE MEAN TIME. Chap. 31

on the petition of *Jacob Keen*, setting forth great distresses brought on him, and his family, by one *William Gregory*, and praying the interposition of the general Court to protect him from ruin, threatened to be brought upon him by the said *William*:

Resolved, that the Petition be so far granted, as that the Petitioner Notify the Said *William Gregory*, by serving him with an attested Copy of his Petition, and this resolve thereon, twenty days at the least before the second Wednesday of the next Session of this Court, that he may then shew Cause (if any he has,) why the Prayer thereof should not be granted, and that execution be stayed in the mean time.

November 5, 1787.

Chapter 32.

RESOLVE ON THE PETITION OF *JONATHAN METCALF*, AND *HANNAH* HIS WIFE, EMPOWERING THEM TO RE-ENTER THE ACTION MENTIONED, AND TO BECOME PARTIES TO THE SAME SUIT, AT THE COURT OF COMMON PLEAS, TO BE HELD AT BOSTON, ON THE FIRST TUESDAY OF JANUARY NEXT, SAID *JONATHAN* TO SERVE THE ADVERSE PARTY, WITH A COPY OF THIS RESOLVE. Chap. 32

On the Petition of *Jon^d Metcalf*, and *Hannah* his wife, setting forth, that a Judgment was unduly obtained, & possession recovered of a certain Messuage and about Eight acres of Land lying in *Roxbury*, the property of your Petitioners, at a Court of Common pleas, held at *Boston*, within & for the County of *Suffolk*, on the first day of *July* last past, by *Giles Goddard*, of the said *Roxbury*, & praying for a new tryal, and that the Petitioners may become parties to the suit.

Resolved, for reasons set forth in the Said Petition, that the prayer thereof be granted, & that the said *Jon^d Metcalf*, & *Hannah* his Wife, be, & they are hereby empowered to reenter the said Action, & to become parties to the same suit, at the Court of Common pleas, to be held at *Boston*, within & for the said County of *Suffolk*, on the first Tuesday of *January* next, and the said Court are

hereby authorized & directed to proceed thereon according to law and the rules of the said Court, in the same manner as if the said action had been regularly continued in the said Court, they the said *Jonathan & Hannah*, serving the said *Goddard* with an attested copy of this Resolve, fourteen days at least before the sitting of the said Court.

November 5, 1787.

Chapter 33.

Chap. 33 RESOLVE ON THE PETITION OF *MARGARET SEABURY*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, AND STAYING EXECUTION IN THE MEAN TIME.

on the Petition of *Margaret Seabury*, praying for a rehearing of an action therein mentioned, for reasons Set forth in her Said Petition :

Resolved, That the prayer of her Said Petition be so far granted, as that the Petitioner Notify *Ebenezer Kingsbury*, by serving him with an attested Copy of her said Petition, and this resolve thereon, fifteen days at the least before the Second Wednesday of the next Sessions of the general Court, that he may then shew Cause if any he has, why the Prayer thereof should not be granted, and that execution be stayed in the mean time.

November 5, 1787.

Chapter 34.

Chap. 34 RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS, FOR THE COUNTY OF *BARNSTABLE*, AND GRANTING A TAX.

Whereas it appears to this Court, by the Representation of the Justices of the Court of General Sessions of the Peace, for the County of *Barnstable*, that the monies Granted and allowed by the said Court, were expended for such purposes, as are authorized by law : therefore,

Resolved, that the said accounts be allowed. And whereas it appears by the estimate of the said Court of General Sessions of the peace, held by adjournment the first Tuesday of *April, Anno Domini 1787*, that the sum of *One hundred and twenty pounds*, is necessary to be raised for defraying the charges of the said County the present year : therefore,

Resolved, that there be, and hereby is Granted a Tax of *One hundred & twenty pounds*, to be apportioned and assessed on the Polls and Estates of the Inhabitants of

the said County of *Barnstable*, and applied to the use thereof according to the laws of this Commonwealth.

November 5, 1787.

Chapter 35.

RESOLVE ON TWO PETITIONS OF THE TOWN OF *WINDHAM* AND *MARBLEHEAD*, EMPOWERING THEM TO AMEND THE ERROR IN THE DATE OF THE BILL MENTIONED, AND MAKING VALID THE CHOICE OF THE COLLECTOR, AND HOLDING A CERTAIN DEPOSITION AS SUFFICIENT EVIDENCE.

Chap. 35

On two Petitions of the Town of *Windham*:

Resolved, for reasons set forth in said petitions, that the said Town be impowered to amend the Error in the date of the Bill committed to *Caleb Graffam* to Collect, and that the Choice of the said *Caleb*, to Collect the said Tax, be good & Valid, the time of his being Chosen notwithstanding.

Resolved, that the deposition of *John Prince* of *Marblehead*, in the County of *Essex*, shall be held & taken as sufficient evidence, that the notification of the Sale of Lands for the payment of the *penny half penny* Tax was posted in the said Town of *Marblehead*.

November 5, 1787.

Chapter 36.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF *STOW*, DECLARING NULL AND VOID THE JUDGMENT RENDERED, AND DIRECTING *EPHRAIM FAIRBANKS*, ESQ; TO TAKE FURTHER COGNIZANCE OF SAID ACTION, AND DIRECTING THE SELECTMEN OF *STOW*, TO SERVE SAID *FAIRBANKS* AND *MAURICE McCLARY*, WITH A COPY OF SAID PETITION AND THIS RESOLVE.

Chap. 36

Upon the petition of the Inhabitants of the Town of *Stow*, praying that the judgment rendered in an Action brought against them by *Maurice McClary*, before *Ephraim Fairbanks*, Esquire; One of the Justices of the peace for the County of *Worcester*, may for reasons set forth in the said petition, be set aside.

Resolved, That the prayer of the petition, be so far granted, that the Judgment rendered in the said Action, be, and hereby is declared null and void, And the said *Ephraim Fairbanks*, Esquire, is hereby empowered and directed to take further cognizance of the said Action in the same manner, as tho no issue had been had thereon.

And it is further *Resolved*, that the Selectmen of the Town of *Stow*, serve *Ephraim Fairbanks*, Esquire; and *Maurice McClary*, with a copy of the aforesaid petition and this resolve thereon, fourteen days before the next tryal of the Action abovementioned. *November 5, 1787.*

Chapter 37.

Chap. 37 RESOLVE ON THE PETITION OF *DANIEL HAWS*, AND OTHERS, IN BEHALF OF THE TOWN OF *BARRE*, EMPOWERING THEM TO REVIVE THEIR SUIT MENTIONED.

On the petition of *Daniel Haws*, & others, in behalf of the town of *Barre*, praying that the said town of *Barre*, may be empowered to revive a suit commenced by them, against the town of *Southboro*, before the Court of General Sessions of the peace for the County of *Worcester*, on the last Tuesday of *March*, Anno Domini 1786, for reasons set forth in the said petition :

Resolved, that the prayer of the said petition be granted, and that the said town of *Barre* be, and hereby are empowered to revive their suit commenced against the town of *Southboro*, before the Court of General Sessions of the peace, for the County of *Worcester*, on the last *Tuesday* of *March* 1786, and that the said Court of General Sessions of the peace be, and hereby are fully authorized to take cognizance of the said process at their next term to be holden at *Worcester*, in and for the County of *Worcester*, on the last Tuesday of *March* next, and to proceed thereon in the same way & manner, as tho the said process had not been discontinued; the said Town of *Barre*, giving the said town of *Southboro* notice thereof, by serving the town Clerk, with an attested copy of their said petition and of this Resolve thereon, thirty days at least previous to the said day. *November 5, 1787.*

Chapter 38.

Chap. 38 RESOLVE ALLOWING THREE MONTHS LONGER, FOR PERSONS TO BRING IN THEIR ACCOUNTS OF A PUBLIC NATURE BY A RESOLVE OF *JULY* LAST, AND FOR SELECTMEN TO MAKE RETURN OF BOUNTIES FOR RAISING MEN, AND DIRECTING THE PUBLICATION OF THIS RESOLVE.

Whereas by a Resolve of the General Court of *July* last, The Committee for Methodizing Public Accounts were

directed to Call on all persons to whom Public Monies, or Stores, had been Committed, and who have not accounted therefor, to bring in Accounts of the same within three months from the passing of the said act: and whereas by the said Resolve, the Selectmen of each Town, were called upon to make return of all Bounties paid for raising men by Towns, Classes or Individuals, or in default thereof be prosecuted according to law: and whereas the said Term of three months has been found insufficient to accomplish all the said business: Therefore

Resolved, That a further time of Three Months, be, & hereby is allowed to bring in the aforementioned Accounts and make the aforesaid Returns: and that the Committee beforementioned, cause this resolve to be published in the Independent Chronicle, printed by *Adams and Nourse*, & the *Salem*, and other papers, where resolves of a similar nature are published.

November 5, 1787.

Chapter 39.

RESOLVE ON THE PETITION OF *EBENEZER BANCROFT*, RATIFYING THE PREMISED DOINGS OF THE PROPRIETORS OF *TYNG'S TOWN*.

Chap. 39

On the Petition of *Eben^r Bancroft* and others, in behalf of the Proprietors of *Tyng's Town*.

Resolved, for Reasons set forth in the s^d Petition, that the Premised doings of the s^d Proprietors are ratified and confirmed, and are & shall be as effectual as they otherwise would have been, had the Particular steps the Law points out been Observed by the s^d Proprietors.

November 5, 1787.

Chapter 40.

RESOLVE ON THE PETITION OF THE TOWN OF *SHUTESBURY*, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM OF £.183 18s. 2d.

Chap. 40

On the Petition of the Town of *Shutesbury*, praying for an abatement of the Taxes assessed on the said Town, from the years 1755, to and including the year 1760, before the same was incorporated, for reasons set forth in the said petition.

Resolved, that the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he is hereby

directed, to credit the said Town of *Shutesbury*, the sum of *One hundred eighty three pounds, eighteen shillings & two pence*, being the amount of the several sums assessed on the said town, from the year 1755, to and including the year 1760, before the same was incorporated.

November 6, 1787.

Chapter 41.

Chap. 41 RESOLVE CONFIRMING A CERTAIN PURCHASE TO *SAMUEL BROWN OF STOCKBRIDGE*, IN THE COUNTY OF *BERKSHIRE*, ESQ; AND OTHERS HIS ASSOCIATES, WITH A PROVISIO.

Whereas the General Court on the 26th day of Oct^r 1786, did permit *Samuel Brown*, of *Stockbridge*, in the County of *Berkshire*, Esqr; and others his associates, whose names are mentioned in a Petition, previously preferred, to purchase of the natives a certain Tract of land therein specified, Lying between the Rivers *Owego & Chenango*, And did Release & Quitclaim unto the Said *Samuel Brown*, and his said Associates, the said Tract of Land, on the following Conditions, viz. That the said *Samuel* & his Associates, or any of them, should pay or Cause to be paid into the Treasury of this Common Wealth, *Three Thousand Three hundred & thirty three Spanish milled dollars*, And one third part of a dollar, or Silver & Gold Equivalent thereto, within Two years from the Passing of the said Resolve: And also if the Legislature of this Commonwealth, should at their Next Sitting after they should be ascertained that the said *Samuel* & his Associates should have made the purchase aforesaid, cause to be paid unto the Said *Samuel*, & his Associates, a sum Equal to such sum or sums of money, as the purchase of the Said Natives might cost them, Together with all Charges Attending the Same.

And whereas on the sixteenth day of *December* 1786, by An Agreement Entered into & concluded, between Commissioners for that purpose, appointed by this Common Wealth, and the State of *New York* respectively, there was released and confirmed to this Common Wealth, Two Hundred & Thirty Thousand & four hundred acres of Land, to be located by this Common Wealth, and to be situate to the northward of & adjoining to the Land Granted respectively to *Daniel Cox*, & *Robert Lettice Hooper*, & their respective Associates, and between the

Rivers Owego & Chenango: Whereas the General Court, on the Eighth day of *June* last, did appoint Mr. *James Dean*, a Superintendent, to superintend & approve such Purchase as Should be made by the Said *Samuel Brown* & his Associates, of the Land aforesaid: Whereas the Said *Samuel Brown*, *Elijah Brown*, Esq's. *Orringh Stoddard* & *Joseph Raymond*, in behalf of the said *Samuel*, & his Associates Aforesaid, On the Twenty second day of *June* last past, did Purchase of the Natives, the said Land ceded and Granted as aforesaid, To have & to hold* the Same to them, their Heirs & Assigns forever, Which Said Purchase, the Said *James Dean*, by virtue of his appointment aforesaid, did superintend and Approve of the Same.

Resolved, that the said Purchase made As aforesaid, be, and the same hereby is Confirmed.

And Whereas *James McMaster*, was found in the Possession of part of the said Tract of Land, & that the Said *Samuel Brown* might quiet his Claim thereto, he hath Contracted with the said *James*, to Convey to him, should the same be granted by the General Court, Eighteen Square miles of Land, bounded south by the North Line of a Patent made to *Daniel Cox*, & *Robert Lettice Hooper*, & their Associates, West on *Owego River*, to Extend up the said River from the said Line, Six miles, & Eastward from the said River, Three Miles the East Line to be strait and to be so Run as to make the above mentioned Quantity of Land, & to be as nearly Parilel as may be to the General Course of the Said River.

It is Further *Resolved*, that the Same Described Tract of Land be, and the same hereby is Granted to the Said *Samuel Brown*, his heirs & assigns, to enable him to fulfil his said agreement.

It is further *Resolved*, that the Residue of the said described Tract of Land, first above mentioned, be, & the same hereby is Granted to the said *Samuel Brown*, *Elijah Brown*, *Orringh Stoddard*, *Joseph Raymond*, *Asa Bement*, *Asa Bement, Junr.* *Elkanah Bishop*, *Moses Ashley*, *Elisha Blin*, *Ezekiel Crocker*, *Ira Seymour*, *Elizabeth Lusk*, *Silas Pepoon*, *Henry Williams Dwight*, *Benjamin Peirson*, *Jeremiah Hayley Peirson*, *Joseph Peirson*, *William Brown*, *Ashbel Strong*, *Simon Larned*, *Nathan Peirson*, *Amos Patterson*, *David Pixley*, *Jacob Parsons*, *Anna Bingham*, *Phillip Cook*, *Ashbel Cone*,

William Walker, Caleb Walker, Isaac Jenks, Ebenezer Mason, Josiah Gilbert Peirson, Warham Parks, John Brown, Ebenezer Williams, John Morell, Nathaniel Bishop, Isaac Curtis, Allen Newhall, Azariah Egleston, Thaddeus Thomson, Jonathan Edwards, Elihu Parsons, Eliphallet Parsons, Elisha Bradley, Asa Bradley, Josiah Bradley, Jonathan Woodbridge, Erastus Sargeant, Oliver Partridge, Ebenezer Cook, Abner Rockwell, Stephen Brown, Stephen Nash, Jonathan Ingersol, Samuel Brown, Junr. Beulah Brown, Dudley Coleman, Elnathan Curtis, & John Chapman, being the Associates of the said *Samuel Brown*, Esqr; their Heirs and Assigns, Each one an Equal Share, in and to the said described Tract of Land, excepting the said Land Contracted to be conveyed to the said *James McMaster*; Provided they (Excepting the Said *Samuel Brown*) or their Legal Representatives, shall Respectively pay unto the Said *Samuel Brown*, his heirs, Executors, or Administrators, or to the Treasurer of this Commonwealth, & cause to be endorsed on the Bond of the said *Samuel Brown*, an Equal Proportion of the money to be secured by him, to be paid to this Commonwealth, as hereafter Provided, Four weeks Previous to the Time the same shall become due, according to the Bond of the Said *Samuel*, hereafter mentioned: And in case any Person or Persons whose names are above mentioned, or their Legal Representatives, Shall Refuse or Neglect to pay & discharge their Equal Proportion of the Said Sum as aforesaid: It is further *Resolved*, that in Every Case of Such Refusal or Neglect, the Right or Share of the person so Refusing or Neglecting, Shall vest in the Said *Samuel Brown*, & is hereby Released & Conveyed to him and to his Heirs and Assigns.

Provided always, however, that the said *Samuel Brown*, shall within two Days from the passing these Resolves, become Bound with Surety or Sureties to the Treasurer of this Commonwealth, for the payment of *five thousand Spanish Milled Dollars* or Silver or Gold equivalent thereto, with the lawful Interest thereof, by the Twenty Sixth Day of *October* next.

Provided also, that no compensation shall be made by this Commonwealth, in favor of *Samuel Brown*, Esqr; & his Associates, in Consequence of any Expences or trouble He or they may have been at in the Business aforementioned.

November 7, 1787.

Chapter 42.

RESOLVE ON THE PETITION OF CAPT. JEREMIAH LEARNED, IN
BEHALF OF THE TOWN OF OXFORD; ASSESSMENTS ABATED
ON THAT PART OF BROWN'S LAND, THE PROPERTY OF THIS
STATE. Chap. 42

on the Petition of Captain *Jeremiah Learned*, in behalf of the Town of *Oxford*, Praying, that the Sum of *Ten pounds* assessed on that Part of *Brown's Land* (so called), Which is the Property of this Commonwealth, may be Abated, for Reasons set forth in said Petition.

Resolved, that the Prayer thereof be Granted, for the reasons therein sett forth, and that the Sum of *Ten Pounds* Assessed on that part of *Brown's Lands* (so called) which is the Property of this Commonwealth, and Lies in the Said Town of *Oxford*, be, and the Same is hereby Abated, and that the Treasurer be, and he is hereby Directed to Govern himself accordingly. November 7, 1787.

Chapter 43.

RESOLVE POSTPONING THE PAYMENT OF TAX No. 4 AND 5. Chap. 43

Whereas it appears expedient, to give the good people of this Commonwealth, some further time for payment of the Taxes, Number Four & Five: Therefore

Resolved, that the time heretofore ordered, for the Treasurer to issue his Executions against the Collectors of Tax Number Four, be, and hereby is prolonged to the First Day of *February* next.

And it is further *Resolved*, that the Time heretofore ordered for the Treasurer to issue his Executions against the Collectors of Tax Number Five, be, & hereby is postponed to the Second Wednesday of *January* next.

November 8, 1787.

Chapter 44.

RESOLVE ON THE PETITION OF SAMUEL MORSE, GRANT TO. Chap. 44

On the Petition of *Samuel Morse*, praying that he may receive some Compensation on Account of his being sick, while in the Service of this Commonwealth, for Reasons set forth in his Petition:

Resolved, that the prayer of the Petition, be so far

granted, that there be allowed, and paid out of the treasury of this Commonwealth, to the said *Samuel Morse*, the Sum of *four pounds*, in full Compensation for his Sufferings, as mentioned in the said Petition.

November 8, 1787.

Chapter 45.

- Chap. 45* RESOLVE ON THE PETITION OF *DAVID WILDER*, IN BEHALF OF THE TOWN OF *LEOMINSTER*, ALLOWING THE SHERIFF OF *WORCESTER* COUNTY, TO RETURN THE EXECUTIONS AGAINST CERTAIN PERSONS NAMED, AND DIRECTING THE TREASURER TO STAY ISSUING ALIAS EXECUTIONS, UNTIL, &c.

On the petition of *David Wilder*, in behalf of the Town of *Leominster*, praying for further time to satisfy Executions, against deficient Collectors, in the said Town, for reasons set forth in the said Petition :

Resolved, that the Sheriff of the County of *Worcester*, be allowed to return the Executions he has in his hands, against *Timothy Stearns & Levi Warner*, of the said *Leominster*, Collectors of the Tax granted in *Oct^r 1781*, in part satisfied, any resolve of the General Court, to the contrary notwithstanding.

And it is further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby directed to stay issuing Alias executions, against the said *Timothy Stearns, & Levi Warner*, for the balance they may owe on the said Tax, untill the first Tuesday in *August* next.

November 8, 1787.

Chapter 46.

- Chap. 46* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *MARLBOROUGH*, DIRECTING THE COMMISSARY-GENERAL, TO RECEIVE THE POWDER MENTIONED, AND TO DELIVER GOOD POWDER IN LIEU THEREOF.

On the Petition of the Selectmen of the Town of *Marlborough*, setting forth that they Lent to Government, a Quantity of Gun powder, for the Use of the Army, when at *Cambridge*, &c. in the year 1775, for which they Received a like Quantity of gun powder, manufactured in this Commonwealth, and upon tryal of which, was found of a bad Quality : Therefore

Resolved, That the Commissary General be, & he is hereby directed to Receive from the Selectmen aforesaid,

the powder mentioned in their petition, they first making Oath that they Received the same from Government, and deliver them the Like Quantity of Good Powder.

November 8, 1787.

Chapter 47.

RESOLVE ON THE PETITION OF *FRANCIS SHURTLEFF*, IN BEHALF OF THE TOWN OF *PLYMPTON*, DIRECTING THE TREASURER TO ISSUE HIS EXECUTION AGAINST THE COLLECTORS, FOR THE SUM MENTIONED.

Chap. 47

on the petition of *Francis Shurtleff*, in behalf of the Town of *Plympton*, praying that execution may issue against *Jon^a. Parker*, one of the Collectors of the said Town, for the year 1781, in favour of the said Town, for a Receipt drawn by the former Treasurer *Gardner*, in favour of the said *Parker*, but is the property of the Said Town:

Resolved, that the prayer of the said petition, be granted, and the Treasurer of this Commonwealth, is hereby directed, to Issue his execution against the said Collector, for the sum of *one hundred & thirteen pounds 3/3 specie*, together with five per cent. damage, agreeable to former Resolves, any Law or Resolve to the contrary notwithstanding.

November 9, 1787.

Chapter 48.

RESOLVE ON THE PETITION OF *DANIEL PUTNAM*, IN BEHALF OF THE TOWN OF *FITCHBURGH*, DIRECTING THE TREASURER TO RECALL THE EXECUTIONS, AND DIRECTING SAID TOWN TO APPEAR ON THE 2^d WEDNESDAY OF THE NEXT COURT TO SHEW CAUSE, &c.

Chap. 48

Upon the Petition of *Daniel Putnam*, in behalf of the Town of *Fitchburgh*, setting forth that the said Town were fined, the Sum of *seventy four pounds one Shilling & eight pence*, lawful Money, for not procuring a Soldier agreeably to a former Requisition of Congress, and that the said Fine was remitted by a Resolution passed *November 2, A. D., 1782*, till further Orders of the General Court, and setting forth, that the Treasurer, by Virtue of a late general Resolve, dated the 7th day of *July* last past, directing him to issue executions against delinquent Collectors, did issue an execution against the said town, for the fine aforesaid:

Resolved, That the Treasurer be, and he hereby is di-

rected to recall the said Execution, and not to issue an alias, till the next sitting of the General Court, and that the subject of the said Petition be referred to that time.

November 9, 1787.

Chapter 49.

Chap. 49 RESOLVE ON THE PETITION OF THE TOWN OF *PEPPERELL*, ALLOWING THEM A FURTHER TIME TO COMPLEAT THE COLLECTION OF THE TAX MENTIONED, PROVIDED, &c.

On the Petition of the Selectmen, of the Town of *Pepperell*, in the County of *Middlesex*, praying that a further time may be allowed the said Town, for the finishing of the collection of Tax No. 2, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition, be so far granted, that a further time of three months be allowed the said Town of *Pepperell*, to compleat the collection of the said Tax, and that Execution in the mean time be stayed, provided the Collectors in the said Town, paying into the treasury all such sums of money as may have been collected on the said taxes. November 9, 1787.

Chapter 50.

Chap. 50 RESOLVE ON THE PETITION OF *VOSE CRANE*, GRANT TO.

On the Petition of *Vose Crane*, A Soldier, in Col *Badlam's* Regt., Capt. *James Robinson's* Company, In the Service of the Commonwealth, Last winter, Praying for an Allowance for his Doctor, Nursing & bording, while Lame, with A Broken Leg :

Resolved, that the Prayer of the Petition, be so far Granted, that there be Allowed & Paid out of the Public Treasury, the Sum of *Six Pounds*, to the Aforesaid *Vose Crane*, In full compensation for his Cost & Sufferings by Reason of his having broken his Leg, while a soldier in the service of this Commonwealth. November 9, 1787.

Chapter 51.

Chap. 51 RESOLVE ON THE PETITION OF *AMOS ANDREWS* AND OTHERS, ASSESSORS FOR THE TOWN OF *SCARBOROUGH*, DIRECTING THEM TO MAKE THEIR WARRANT AGREEABLY TO LAW, AND MAKING THEM VALID.

On the Petition of *Amos Andrews*, *John A. Milliken* & *William Hasty*, Assessors for the Town of *Scarborough*,

in the year of our Lord seventeen hundred and eighty six, shewing that no warrant was given to the Collectors of the said Town, to collect the State, County and Town Taxes, in the aforesaid Town, for the year aforesaid, and praying that they the said Assessors, may be now authorized and empowered to make out their warrant or warrants, to the said Collectors, for the purpose aforesaid :

Resolved, that the Assessors of *Scarborough* aforesaid, be, and they, or the Major part of them, are hereby authorized and directed to make their warrant or warrants, in manner and form, as by law is directed (*mutatis mutandis*) to the Collector or Collectors aforesaid, and the warrant or warrants afors^d, made and delivered as afors^d, shall be good and effectual in law for all future Collections, as if the same had been made and delivered to the said Collector or Collectors, with the lists and Assessments of the aforesaid Taxes.

November 9, 1787.

Chapter 52.

RESOLVE ON THE MEMORIAL OF JOHN DEMING AND PETER BOYER, GRANT TO, AND DIRECTING THE TREASURER TO BORROW THE SAID SUMS. *Chap. 52*

On the Memorial of *John Deming & Peter Boyer*, praying payment in part for their services as Committee for methodizing public Accounts :

Resolved, That there be paid out of the Public Treasury of this Commonwealth, *Sixty pounds* to *John Deming & Peter Boyer*, each, in part payment of their Wages, And that the Treasurer be, & he is hereby Authorized to borrow the said sums in the Manner & on the same Funds as is provided by a Resolve of the 27th of *Oct^r* last, for payment of the several Clerks in the Treasurer's & Secretary's offices.

November 9, 1787.

Chapter 53.

RESOLVE ON THE MEMORIAL OF THE COMMISSARY-GENERAL, DIRECTING HIM TO DISPOSE OF A QUANTITY OF TOBACCO, FOR ANY OF THE LIQUIDATED SECURITIES, BY AUCTION OR PRIVATE SALE, AND TO PAY THE NET PROCEEDS INTO THE TREASURY. *Chap. 53*

On the memorial of *Rich^d Devens*, Esqr ; Com^r General, setting forth that a considerable quantity of Tobacco, now

in the Town of *Northampton*, and County of *Hampshire*, which has been received in payment of back Taxes, by *James Shepard*, Esqr; is in a perishable State, and some of it already much Damaged :

Resolved, that *Rich^d Devens*, Esqr; Com^y Gen., be, and he hereby is directed, to dispose of the Tobacco aforesaid, for any of the liquidated securities of this State, immediately, by Auction or private sale, as shall appear best, paying the proceeds of such sales into the public Treasury as soon as may, taking duplicate Receipts for the same, one of which to be lodged in the Secretary's office.

November 12, 1787.

Chapter 54.

Chap. 54 RESOLVE ON THE MEMORIAL OF THE COMMISSARY-GENERAL, GRANT TO, FOR SUPPLIES TO THE GARRISON AND CONVICTS AT CASTLE-ISLAND: AS ALSO GRANT TO, TO ENABLE HIM TO PURCHASE OIL, AND OTHER NECESSARIES FOR THE LIGHT-HOUSES, FROM THE FUNDS ARISING FROM LIGHT-MONEY, &c.

Upon the memorial of *Richard Devens*, Commissary General, setting forth, that he stands in need of a Warrant for supplying the Garrison & Convicts, on the *Castle*, with Provisions, Cloathing, &c. Also to purchase Oil, &c. for the several Light Houses :

Resolved, That there be allowed and paid out of the public Treasury, to the said Commissary General, for supplying the Garrison and Convicts, at *Castle William*, The Sum of *Three Thousand Pounds*, from Funds arising from any Taxes assessed prior to No. 4, so called, or by orders on the Collectors or Sheriffs, to whom the said Taxes may be committed for collection, he to account for the same.

And it is further *Resolved*, that there be allowed and paid out of the public Treasury, to the said Commissary General, to enable him to purchase Oil, & other necessaries for the several Light Houses, the sum of *Eighteen hundred Pounds*, from the Funds arising from Light money, & from any Monies which may be brought into the Treasury from the Fees of the Naval Offices.

November 12, 1787.

Chapter 55.

RESOLVE ON THE PETITION OF *JOHN AND AARON BURNAM*' *Chap. 55*
 MAKING VALID A DECREE OF THE JUDGE OF PROBATE IN
 THE COUNTY OF *CUMBERLAND*.

On the petition of *John Burnam & Aaron Burnam*, the petitioners, praying that a decree of the Judge of probate, in the County of *Cumberland*, appointing the said *John Burnam*, Administrator on the Estate of *Job Burnam*, deceased, may be made Valid :

Therefore *Resolved*, that the decree of the said Judge of Probate, be confirmed, & rendered valid in Law to all intents & purposes, any Law or Resolve to the Contrary notwithstanding.

November 12, 1787.

Chapter 56.

RESOLVE ON THE PETITION OF *SOLOMON ALLEN*, DIRECTING *Chap. 56*
 THE TREASURER IN THE CASE.

On the Petition of *Solo Allen*, setting forth that on the 2nd day of *March* last, he received of the Treasurer of this State an Order on *Elijah Hunt*, Esqr ; Collector of Excise and Impost in the county of *Hampshire*, for the sum of *Eighty Six pounds four Shillings* payable to *Sol^o Allen* or bearer, as now appears from the Treasurer's Books, and that after he received said Order as aforesaid, the said Order was by unavoidable Accident lost :

Resolved, that the Treasurer, be, and he hereby is directed to pay to *Sol^o Allen*, another Order, for the same sum of *Eighty Six pounds four shillings*, the said *Allen* giving good and sufficient Bonds to the Treasurer, or his successor in Office, to Indemnify and keep harmless this Commonwealth, from the Order lost as aforesaid.

November 12, 1787.

Chapter 57.*

RESOLVE ON THE PETITION OF *JOHN GLOVER*, ESQ; AUTHORIZING THE TREASURER TO RECEIVE OF HIM THE AMOUNT OF THE BOND WITH INTEREST, IN THIS STATE'S SECURITIES. *Chap. 57*

On the petition of *John Glover*, praying for leave to discharge his bond, for *thirteen hundred and sixty nine*

* Taken from court record.

pounds, due this Commonwealth, in Government securities :

Whereas by a resolve dated *February* 17th, 1781, it is provided that the Commissioners be appointed to aprize a farm formerly the property of *William Brown*, Esqr ; an absentee, to be paid for in Government securities, due from this Commonwealth, to *John Glover*, Esqr ; for his services : And whereas it appears that the said *Glover*, not being then in possession of a sum as aforesaid, sufficient to discharge the amount thereof, he was allowed to give his bond payable in one year from that date ; but as no mention was made therein specifying the kind of payment, the Treasurer on application of the said *Glover* to discharge the said bond in the securities aforesaid, did not find himself at liberty to comply therewith, consequently the said bond remains yet unpaid : Therefore

Resolved, that the Treasurer of this Commonwealth, be, and he is hereby authorized and directed, to receive of the said *Glover*, the amount of the aforesaid bond, with the interest thereon due, in this State's securities, which were originally paid to him.

November 12, 1787.

Chapter 58.

Chap. 58 RESOLVE ON THE PETITION OF *TIMOTHY CUTLER*, EMPOWERING THE ARBITRATORS TO SETTLE THE DISPUTE SUBSISTING BETWEEN THE PARTIES.

On the Petition of *Timothy Cutler* :

Resolved, for Reasons set forth in the s^d Petition, that *Thomas Lancaster*, *Enoch Ilsley* and *Joshua Freeman*, Mutually chosen by the s^d *Timothy Cutler* and *Joseph Knight*, to settle all Matters of Dispute, subsisting between them — Are hereby impowered to notify the Parties to attend at any time and Place, the s^d Arbitrators shall Judge Proper, as soon as may be, — and after hearing the s^d Parties, and considering all such matters and things, as shall then and there be offered, rectify any Mistake that may appear in any former award and make such new award as to them may appear Just and Equitable between the Parties — And if either of the Parties shall not appear, after being duly notified, the s^d Arbitrators shall Proceed to the Consideration of the case notwithstanding ; and the Award of the s^d Arbitrators, shall be binding on the Parties ; and any Action now pending in

the Law, Respecting matters or Disputes between them, be staid untill such award be made and Delivered to the Court having cognizance of the same.

November 13, 1787.

Chapter 59.

RESOLVE ON THE PETITION OF JOSEPH PATTERSON, EMPOWERING THE COMMISSARY OF PENSIONERS, TO ACT ON HIS FORMER MINUTES.

Chap. 59

On the Petition of *Joseph Patterson*, who was wounded in the Expedition against *Penobscot*, praying that the Commissary of Pensioners may be authorized to act on his former Minutes, (the original Papers being mislaid); for Reasons,

Resolved, that the prayer of the Petition be granted, and that the Commissary of Pensioners be, and he is hereby authorized & empowered, to act on the Minutes he formerly made of the Petitioner's Case, in the same manner as if he had the said original papers.

November 13, 1787.

Chapter 59A.

RESOLVE ON THE PETITION OF DANIEL GOULD, IN BEHALF OF THE TOWN OF WARE, EMPOWERING THE TREASURER TO CREDIT SAID TOWN.

Chap. 59A

on the Petition of *Daniel Gould*, In behalf of the Town of *Ware*, setting forth, that they were taxed In the year 1751 and 1752, to the amount of *fifty six pounds 10 s*; and that the Execution for the Same is Now in the hands of the Sheriff of the County of *Hampshire*, And Praying that the Same may be abated, for Reasons set forth In the s^d Petition.

Resolved, That the Prayer of the Petition be Granted, & that the Treasurer be, & he is hereby Impowered & Directed, to Credit the Town of *Ware*, the sum of *Fifty Six Pounds ten Shillings*, being the whole Amount of the s^d taxes, & that the Execution, so far as Relates to the Above Taxes be Null & void.

November 13, 1787.

Chapter 60.

RESOLVE ON THE PETITION OF PHINEHAS LAMPHIRE, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE.

Chap. 60

On the Petition of *Phinehas Lamphire*, of *Lanesborough*, in the County of *Berkshire*, praying for reasons

set forth in said petition, for a rehearing of an action in favour of *Jacob Ensign*, of *Pittsfield*, in the same County, against the Petitioner, on which Judgement was recovered in the court of common pleas holden at *Lenox*, within & for said County, on the second Tuesday of *September* last :

Resolved, That the prayer of the said Petition be so far granted, that the said *Phineas Lamphire*, give notice to the said *Jacob Ensign*, by serving him with an attested Copy of the said Petition & this resolve thereon, fourteen days beforehand, to appear on the second Wednesday of the next siting of the General Court, to shew cause, if any he hath, wherefore the prayer of the said petition, should not be granted, and that Execution be stayed in the mean time.

November 13, 1787.

Chapter 61.

Chap. 61 RESOLVE ON THE PETITIONS OF THE TOWNS OF *NEEDHAM*, *MEDFIELD*, AND DISTRICT OF *DOVER*, REPEALING A RESOLVE OF COURT PASSED 6TH MARCH, 1787, FOR RE-BUILDING A BRIDGE OVER *CHARLES-RIVER*, WITHIN THE TOWN OF *DEDHAM*.

Whereas there was a Resolve Passed the General Court, on the sixth Day of *March* last, Empowering the Court of General Sessions of the peace in the County of *Suffolk*, to order a bridge rebuilt over *Charles River*, within the Town of *Dedham*, and to assess the Costs thereof, on the Towns of *Dedham*, *Needham*, *Medfield* and District of *Dover*, but upon a full Examination into the Situation & Circumstances of the said Towns and District, it appears unreasonable that the Towns of *Needham*, & *Medfield* & District of *Dover*, Should be Charged with the Rebuilding said Bridge : therefore,

Resolved, That the aforesaid Resolve, which Passed on the Sixth day of *March*, 1787, be repealed, & Every part & paragraph thereof, is Hereby Declared Null & Void.

November 13, 1787.

Chapter 62.

Chap. 62 RESOLVE MAKING PROVISION FOR THE ELECTION OF GRAND JURORS, IN THE COUNTY OF *BERKSHIRE*, TO SERVE IN THE COURT OF GENERAL SESSIONS OF THE PEACE, IN SAID COUNTY.

Whereas by means of the disturbances which prevailed in the County of *Berkshire*, in the month of *March* last,

no grand jurors were elected to serve in the Court of general Sessions of the peace, for that County, as by Law is provided, and great inconveniences have thence resulted, and to prevent the like at the term of the said court, which is to be holden on the first Tuesday of febr^y next :

Resolved, that the Clerk of the Court of general sessions of the peace, for the said County, be, and he hereby is empowered & directed to make out his warrants to the Constables of the several towns in the county aforesaid, or so many of them as may be necessary to assemble the freeholders & inhabitants of their respective towns, qualified to vote for a representative, to choose by ballot, one or more good & lawful man or men, in each town, to whom such a warrant should be directed, of like qualification, and of good moral character, to appear at the said court of general sessions of the peace, at the term aforesaid ; and the jurors to be elected as aforesaid, shall have the same powers, to all intents and purposes, at the term aforesaid, and untill others shall be chosen & sworn, as if they had been elected at the time & in the manner, as is provided by an Act of this Government, entitled an act regulating the appointment and services of grand jurors, any thing in the said act contained, to the contrary notwithstanding.

November 14, 1787.

Chapter 63.

RESOLVE ON THE PETITION OF *ABNER BELLAMY*, GRANT TO.

Chap. 63

On the Petition of *Abner Bellamy*, Setting forth that he was a Soldier in the first three years Service in Col. *Greaton's* Regt, Capt. *Volentine's* Company, that Some Person by forging his Name, has Drawn his Delay Pay, so Called, praying for Relief in that Case :

Resolved, that there be Allowed & paid out of the public Treasury, to the Said *Abner Bellamy*, the Sum of *Six pounds, one shilling & three pence*, in full Discharge of his arrears pay, Being Drawn by Forgery notwithstanding.

November 14, 1787.

Chapter 64.

RESOLVE ON THE PETITION OF *DAVID PIXLEY*, DIRECTING THE TREASURER TO SUSPEND ISSUING AN EXECUTION AGAINST THE SHERIFF OF *BERKSHIRE*.

Chap. 64

On the Petition of *David Pixley*, praying that an Execution against him, in favour of *Aaron Wood*, which was

recovered against the Petitioner, for a debt due to the Commonwealth, from *Eleazer West*, Collector of public Taxes, in the Town of *Lee*, may be Stayed.

Resolved, that the Treasurer be, and he hereby is ordered and directed, to suspend the issuing an Execution against the Sheriff of the County of *Berkshire*, for a default of returning an Execution which was in his hands, on the Twenty sixth day of *November*, One Thousand Seven hundred and eighty five, against the said *Eleazer*, for the Sum of *Two hundred and Sixty Pounds*, & *ten Shillings*, untill the second Wednesday of the next sitting of the General Court, and that an Execution of a judgment recovered by the said *Aaron Wood*, against the said *David Pixley*, by means of his having become bound for the said *Eleazer West*, for the sum aforesaid, shall be stayed in the mean time; Provided the said *David Pixley*, shall give the said *Aaron Wood* sufficient security to his satisfaction, for the payment of the said Execution, when an Execution against the said Sheriff for the default aforesaid, shall be ordered to issue.

November 14, 1787.

Chapter 65.

Chap. 65 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *HANCOCK*, DIRECTING THE SHERIFF OF THE COUNTY OF *BERKSHIRE*, TO RETURN THE EXECUTIONS WHICH HAVE BEEN ISSUED UNSATISFIED, AND APPOINTING A COMMITTEE OF BOTH HOUSES TO REPAIR TO SAID TOWN TO OBTAIN INFORMATION RELATIVE TO TAXES WHICH REMAIN UNPAID.

Whereas the Select Men of the Town of *Hancock*, in the County of *Berkshire*, have represented to this Court, that by the late running the Dividing Line between this Commonwealth, & the State of *New York*, a Quantity of Land, with the owners, which heretofore were reputed to belong to the said Town of *Hancock*, are now found to be in the State of *New York*, that divers of the said Owners have not paid the Taxes assessed on them, agreeable to the Laws of this Commonwealth, and now refuse and cannot be compelled to pay them, & praying that Executions against the defective Constables of the said Town, may be stayed:

Resolved, that the Sheriff of the County of *Berkshire* be, and he hereby is authorized and directed to return the Executions which have issued from the Treasury of

the Commonwealth, against the several Constables or Collectors of the said Town, unsatisfied, for one half of the Sums in the same Executions respectively expressed : and that *Thompson J. Skinner*, Esqr ; Mr. *Lusk* of *Richmond*, and Mr. *Hinman*, be a Committee to repair, in the Recess of the General Court, to the said Town of *Hancock*, and obtain information what part of the Inhabitants & Lands, heretofore reputed to belong to the said Town of *Hancock*, are now found to be in the State of *New York*, and what part of the Taxes which remain unpaid in the said Town, were assessed on those Persons, who by running the Line afors^d, appear to be in the said State of *New York*, and make Report at the next Sitting of the General Court.

November 14, 1787.

Chapter 66.

RESOLVE GRANTING A TAX ON THE POLLS AND ESTATES OF THE INHABITANTS OF THE COUNTY OF CUMBERLAND.

Chap. 66

Whereas it appears from an Estimate of the Justices of the Court of General Sessions of the peace, for the County of *Cumberland*, made at their sessions on the last Tuesday of *October* 1786, that the sum of *four Hundred pounds*, Will be Necessary for Defraying the Charges of said County for one year next ensuing : Therefore,

Resolved, that there be, and there hereby is Granted, a Tax of *four Hundred pounds*, on the polls and Estates of the Inhabitants of the County of *Cumberland*, lying Within the same, to be proportioned on the several Towns of the County, by the Court of y^e General Sessions of the peace, for said County, and to be assessed, Collected and pay^d in, and applied for the use of the said County, according to the Laws of this Commonwealth.

November 14, 1787.

Chapter 67.

RESOLVE ON THE PETITION OF *THOMPSON MAXWELL*, IN BEHALF OF THE TOWN OF *BUCKLAND*, AUTHORIZING SAID TOWN TO PAY A SUM OF MONEY, IN GOVERNMENT SECURITIES FOR A DEFICIENCY OF A SOLDIER.

Chap. 67

On the Petition of *Thompson Maxwell*, in behalf of the town of *Buckland* :

Resolved, that the said town of *Buckland*, be, and they are hereby authorized to pay into the public treasury of

this Commonwealth, the sum of *seventy four pounds*, being a fine for the deficiency of one continental Soldier, in the last Requisition laid on the said town, in any Government Securities, in full discharge thereof, and the treasurer of this Commonwealth, and all concerned, are to take notice & govern themselves accordingly.

November 14, 1787.

Chapter 68.

Chap. 68 RESOLVE ON THE PETITION OF *WILLIS HALL*, AUTHORIZING THE JUDGE OF PROBATE, FOR *MIDDLESEX*, TO MAKE OUT A COMMISSION TO THE FORMER COMMISSIONERS ON THE ESTATE OF *JONAS CUTLER*, TO EXAMINE THE CLAIM MADE BY SAID *HALL*.

Upon the Petition of *Willis Hall*, surviving partner of the late Trading Company of *Stephen Hall* and *Willis Hall*, Merchants :

Resolved, that the prayer thereof be so far granted, as that the Judge of Probate for the County of *Middlesex*, be, & he is hereby authorized & empowered to make out a Commission to the former Commissioners on the estate of *Jonas Cutler*, late of *Groton*, in the said County of *Middlesex*, Esquire ; deceased, or to any three other indifferent & discreet freeholders, in the said County as he shall think best, directing them (after being first duly sworn) to examine the claim made by the said *Willis* against the estate of the said *Jonas* — and should they on such examination find the same to be just, to Allow the same — and in Case the same should be so allowed, to order & decree such part of the said *Jonas Cutler's* Estate, not already distributed to, and among the Creditors to the said Estate, to the said *Willis*, in such proportion as he would have been intitled to, had his said Claim been allowed at the proper time, and the residue of the said Estate not distributed (if any) to be distributed to & among the other Creditors of the said *Cutler's* Estate, whose Claims have been duly allowed, including the said *Willis Hall's*.

November 14, 1787.

Chapter 69.

Chap. 69

ROLL No. 9.

The Committee on Accounts have examined and passed upon the Accounts now presented, and find that the Sums

reported and set against the Towns and Persons hereafter named, are Due to them; and if allowed, will be in full discharge of the accounts exhibited.

JOSEPH HOSMER, per Order.

To Doct ^r <i>Lucius Doolittle's</i> Bill, for Visits & Medicines on account of <i>Thaddeus Hill</i> , a Soldier in Col. <i>Stearn's</i> Regiment, in <i>March</i> and <i>Feb^r</i> last, certified by Major General <i>Warner</i> .	£. s. d.
To <i>John Haskell</i> , for Nursing, Attendance & other Charges occasioned by the Sickness of the before-mentioned <i>Thaddeus Hill</i> , at the time above mentioned, and certified as above.	3 14 6
To <i>John Austin & Dorcas Austin</i> , y ^e Poor of <i>Charlestown</i> , to an allowance for Board from <i>June</i> 27, 1787, to <i>Oct^r</i> 24.	3 18 0
To <i>Joseph Nowell</i> , for Work done on the Castle Boats in 1784, which was then allowed, but not paid, not being applied for.	8 10 0
To Doct ^r <i>Samuel Williams</i> , as Agent on <i>New York</i> Line, & for his Services, Assistants, Expences, &c. in <i>July</i> , <i>August</i> & <i>September</i> last, being called by Government to this Service, being a Ballance due to him.	13 12 2
To <i>Joseph Smith</i> of <i>Lexington</i> , for Boarding <i>Sarah Fowle</i> , one of the Poor of <i>Charlestown</i> , from <i>July</i> 1st, to <i>Oct^r</i> 1st, 1787.	95 0 2
To <i>Hugh Gordon</i> , for his Services agreeable to an Order of Government in <i>July</i> 1784, in taking a List of Inhabitants & Buildings, &c.	5 17 0
To <i>Cyrus French</i> , Deputy Sheriff, for his Services for y ^e Public, in the County of <i>Worcester</i> , from y ^e third of <i>Feb^r</i> 1787, to y ^e 16th.	2 14 0
To General <i>Samuel M^r Cobb</i> , for y ^e hire of a Vessel & all other Charges, in consequence of a special Order to proceed to <i>Penobscot</i> , in <i>April</i> 1784.	3 18 0
To <i>Benj^s Hovey</i> , Deputy Sheriff, for Services performed for the Public in <i>Feb^r</i> last, in apprehending State Prisoners.	58 4 0
To the same Person, for damage done to a Sleigh furnished the Public in <i>Jan^y</i> last, properly certified.	9 11 6
To <i>Silas Bent</i> , for Medicines supplied from <i>Aug^t</i> 20, to <i>Sept^r</i> 26, 1787, with other supplies and Cash advanced, in y ^e County of <i>Hampshire</i> , and to Lieut. Colonel <i>Lyman's</i> Regiment.	0 18 0
To the Selectmen of <i>Newbury Port</i> , for Boarding <i>Mary Hopping</i> and <i>Sarah Manning</i> , y ^e Poor of <i>Charlestown</i> , from the first <i>July</i> 1784, to y ^e 1st <i>July</i> 1787, and for Burying <i>Moses Hoyts</i> , a State Pauper.	3 10 6
To another Account from said Selectmen, for Supplies to <i>John Latham</i> , to a blackman named <i>James</i> , to one <i>Thompson</i> , to a number of <i>Irish</i> Passengers, to <i>William Dow</i> , & for other Charges from <i>May</i> 1786, to <i>March</i> 23, 1787, properly certified & with proper Vouchers, all State's Poor.	48 0 0
	38 17 5

To Doct ^r <i>John Newman</i> , for Medicines & Visits to <i>John Latham</i> , Wife & Child, State's Poor, from <i>May</i> 27, to y ^e last of <i>August</i> 1787, examined in y ^e usual manner.	£.9	0	0
To <i>David Townsend</i> , for boarding <i>John Townsend</i> , his Wife, & one Child, together with y ^e Widow <i>Manning</i> , the Poor of <i>Charlestown</i> , from <i>Feb^r</i> 2, 1787, to <i>Nov^r</i> 8 th 1787.	42	18	6
To the Selectmen of <i>Easton</i> , for Supplies to <i>Benj^r Eddy</i> & Family, by order of Government, y ^e Summer past, & assisting in repairing a small House, &c.	5	9	2
To <i>Sam^l Guild</i> , for Visits & Medicines on account of y ^e said <i>Eddy's</i> Family, in <i>April</i> last.	0	13	8
To <i>Moses Greenleaf</i> , for Cash advanced to <i>John Smith</i> , <i>John Knight</i> & <i>Makepeace Colby</i> , Soldiers in his Company, on account of Arms and other accoutrements agreeable to an Act of Government, y ^e Date of Payment being y ^e 5th of <i>April</i> , 1777.	13	10	0
To <i>Sarah Hill</i> , for Boarding <i>Samuel Austin</i> , one of the Poor of <i>Charlestown</i> , in two Accounts, of £5. 4/. each, from y ^e first of <i>April</i> 1787, to y ^e first of <i>July</i> , and from that time to y ^e first of <i>Oct^r</i> .	10	8	0
To the town of <i>Colrain</i> , for Boarding, Cloathing, Doct ^{rs} Bills, &c. on account of <i>Daniel McDugen</i> , one of the State's Poor, from <i>July</i> 1st 1785, to y ^e 29th <i>Oct^r</i> 1787.	23	11	5
To <i>James White</i> , for Orderly Books, a very large Number, for y ^e use of the Commonwealth, by order of Government, Paper also, from <i>June</i> 6th, 1787, to <i>Oct^r</i> 26th,	106	18	6
To <i>George Middleton</i> , for Supporting <i>Rose Middleton</i> , one of y ^e <i>Charlestown</i> Poor, from <i>Oct^r</i> 1st, 1783, to 25th of <i>May</i> , 1784, certified by y ^e Selectmen of <i>Charlestown</i> ,	10	4	0
To the Town of <i>Salisbury</i> , for expenditures on account of <i>Molly Lane</i> , in her sickness & at her Death, from <i>Nov^r</i> , 1785, to <i>Feb^r</i> 1787, one of the State's Poor,	30	15	8
To <i>Benj^r Larkin</i> , for Binding Books of different kinds, Paper, &c. for y ^e use of Government, from <i>Jan^y</i> 9th, 1787, to <i>September</i> 20th,	27	15	0
To <i>Elijah Howard</i> , towards y ^e Support of <i>Benj^r Eddy</i> & Family, State's Poor, from <i>Dec^r</i> 1785, to <i>June</i> 1787,	13	1	8
To the Town of <i>Scarborough</i> , for Bills answered on account of <i>Michael Murfey</i> , & <i>Peter Walker</i> , in 1786, and 1787, being State's Poor,	8	9	6
To <i>David Devens</i> , for Boarding <i>Dinah</i> , an old Negro, one of the <i>Charlestown</i> Poor, from <i>Feb^r</i> 11th, 1787, to <i>Oct^r</i> 21st,	10	16	0
To Doct ^r <i>James Hawe's</i> Acc ^t for Visits & Medicines on account of several of the Poor of <i>Charlestown</i> , from <i>July</i> 1784, to <i>Oct^r</i> 26th, 1787,	2	0	10
To <i>Joseph Hemmeway</i> , for repairing & launching y ^e State's Boat in <i>August</i> last, certified & allowed by y ^e Selectmen of <i>Boston</i> ,	13	10	0
To <i>Joseph Brown's</i> two Bills, for boarding <i>Benjamin</i> & <i>Anna Brown</i> , y ^e Poor of <i>Charlestown</i> , from <i>March</i> 4th, 1785, to <i>Oct^r</i> 1st, 1787,	40	4	0
To the Selectmen of <i>Leicester</i> , on account of <i>Thomas Smith</i> , State's Poor, from 10th of <i>May</i> , to y ^e 24th, 1787, with Doct ^{rs} Bills,	3	13	6

To the Selectmen of <i>Lynn</i> , for Boarding <i>Richard Hunnewell</i> , Aged 74, & very infirm, his Daughter Aged 35, also infirm, & <i>Mary Gibson</i> , Aged 47, and exercised with Fits, from the first of <i>July</i> 1787, to y ^e 4th of <i>Nov^r</i> , <i>Charlestown</i> Poor, ...	£.17	2	0
To the Town of <i>Billerica</i> , for Boarding <i>Jane Wood</i> , one of y ^e State's Poor, from y ^e 27th of <i>Nov^r</i> 1786, to y ^e 21st of <i>August</i> 1787, ...	10	9	7
To General <i>John Fellows</i> , as the Balance of his Account, from <i>Nov^r</i> 30th, 1782, to <i>Oct^r</i> 24th, 1783, all Receipts and Certificates being examined, and y ^e Committee for methodizing Accounts being consulted; said <i>Fellows</i> acting as a Commissioner, &c.	28	1	0
To <i>Timothy Edwards</i> , Esqr; as Agent on <i>York</i> Line, in y ^e year 1786, for his Services, & Cash advanced, from y ^e 20th of <i>June</i> , to y ^e first of <i>October</i> , ...	73	18	3
To the Overseers of the Alms House, in y ^e Town of <i>Boston</i> , for supporting a large Number of the Poor of y ^e Commonwealth, from <i>March</i> y ^e 1st, 1787, to y ^e first of <i>September</i> , ...	1896	8	6 $\frac{3}{4}$
To <i>Samuel Partridge</i> , Master of the s ^d Alms House, for his trouble in taking care of y ^e Commonwealth's Poor, mentioned in y ^e Overseers Account, and during y ^e same term, and agreeable to y ^e usual allowance, ...	98	3	11 $\frac{1}{2}$
To <i>Adams & Nourse</i> , Printers to y ^e Commonwealth, for Paper & Printing, from y ^e 18th <i>Sept^r</i> 1786, to y ^e 27th of <i>May</i> , 1787, carefully examined, ...	608	9	10
To <i>John Russell</i> , Printer, for Printing & Publishing, by Order of Government, from <i>March</i> 6th, 1787, to <i>July</i> , 17th, ...	23	16	6
To Doct ^r <i>Whiting's</i> several Bills, for Medicines, Visits & Supplies, on account of y ^e western Army in <i>Feby^r</i> , <i>March</i> , <i>April</i> and <i>May</i> last, ...	22	19	6
To the Town of <i>Pownalborough</i> , for Doct ^r s Bills in 1785, 1786 & 1787, & for Boarding & Supplies, to y ^e 24th of <i>Jan^y</i> 1787, on account of <i>James Smith</i> , <i>Daniel</i> and <i>Cornelius Sullivan</i> , & <i>John Washington</i> , State's Poor, ...	32	4	8
To <i>Paul Revere</i> , a Sum allowed in 1785, & an Order given by the then Committee on Accounts, but not answered, for Engraving, &c.	11	0	0
To the Selectmen of <i>Natick</i> , for boarding <i>Isaac Nichols</i> , from y ^e 15th of <i>June</i> , 1787, to y ^e 26th of <i>Oct^r</i> ; and for boarding two Indian Infants y ^e same term, being y ^e Poor of y ^e Commonwealth, ...	13	15	0
To the Town of <i>Haverhill</i> , for Boarding <i>Elizth</i> <i>Hooper</i> , one of the Poor of <i>Charlestown</i> , from y ^e 22d of <i>Feb^y</i> , 1787, to y ^e 4th of <i>Oct^r</i> , ...	16	4	0
To <i>Oren Smith</i> , for forwarding Dispatches, in <i>Feb^y</i> , 1787, by Order, ...	1	7	0
To Doct ^r <i>William Towner</i> , for Services, Visits & Medicines on account of y ^e western Army, in <i>May</i> , <i>June</i> , <i>July</i> & <i>August</i> last, ...	9	13	3
To an allowance made to <i>John Wheeler</i> , a Soldier in y ^e western Army, in Capt ⁿ <i>Howe's</i> Company, and Col. <i>Stearns's</i> Regiment, for a Debt contracted by Sickness, in <i>Feb^y</i> last, Nursing and Doct ^r s Bill, ...	1	12	0

To <i>Elizth Johnson</i> , for Boarding <i>Anna Rand</i> , <i>Lydia Hood</i> , <i>Elizth Whittemore</i> , with her own Board, which has been always allowed, from <i>Feb^y 11th</i> , 1787, to <i>Oct^r 21st</i> , y ^e Poor of <i>Charlestown</i> , . . .	£.48 12 0
To the Town of <i>Bedford</i> , for boarding <i>James Ingalls</i> , one of y ^e State's Poor, from y ^e 20th of <i>Feb^y 1787</i> , to y ^e 2d of <i>Nov^r</i> , . . .	14 19 4
To Doct ^r <i>Danforth's</i> Bill, for Visits & Medicines, on account of said <i>James Ingalls</i> , in <i>March, April, May & June</i> last, . . .	2 2 7
To the Selectmen of <i>Charlestown</i> , for supplying a large Number of y ^e Poor of <i>Charlestown</i> , from <i>Jan^y 1st</i> , 1787, to <i>July</i> y ^e first, . . .	299 8 4
To another Account from y ^e same Selectmen, & on account of y ^e same Persons, from y ^e first of <i>July</i> , to y ^e first of <i>Oct^r</i> last, . . .	150 8 10
To <i>Nath^l Coverly</i> , for Printing in 1785 & 1786, Resolves of the General Court, . . .	3 12 0
To Capt ⁿ . <i>Phineas Jones</i> , Lieut. <i>Loring</i> , & Lieut. <i>Joseph Washburne</i> , for 21 Days in public Service, with Rations, under General <i>Lincoln</i> , & for which they have rec ^d no pay, . . .	9 8 10
	£.4063 1 8 $\frac{1}{4}$

Read and accepted, and thereupon

Resolved, that the Governor with the advice of Council be, & hereby is requested, to issue his Warrant on the Treasury, for the payment of the several persons, borne on this Roll, the sums set against their names respectively, amounting in the whole to *Four thousand and sixty three pounds, one shilling and eight pence one farthing*.

November 14, 1787.

Chapter 70.

Chap. 70 RESOLVE ON THE PETITION OF *GILBERT DENCH*, TAXING THE TENANTS OF THE LANDS IN *HOPKINTON* AND *UPTON*, AND DIRECTING THE MONIES TO BE PAID INTO THE TREASURY, AND TO PAY THE QUIT RENTS INTO THE HANDS OF THE TREASURER OF THE TRUSTEES.

On the petition of *Gilbert Dench*, in behalf of the Trustees and tenants of the College lands, (so called,) in *Hopkinton* and *Upton*, praying that the monies arising from the quit rents of the said land, should be paid into the Treasury of the Commonwealth by the said tenants:

Resolved, that the tenants of the lands in *Hopkinton* and *Upton*, held under the Trustees of the donation of *Edward Hopkins*, Esqr; be henceforward taxed in common with other inhabitants of this Commonwealth, in the same manner as though the said lands were held by them in fee

simple, and that the monies arising therefrom, be paid into the Treasurer of this Commonwealth, who is hereby directed to pay the quit rents aforesaid, into the hands of the Treasurer of the said Trustees, on the 25th of *March* annually, in gold or silver, and take duplicate receipts therefor, one of which shall be lodged in the Secretary's office, any resolve to the contrary notwithstanding.

November 14, 1787.

Chapter 71.

RESOLVE ON THE PETITION OF *TIMOTHY GOODALE*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

Chap. 71

On the memorial of *Timothy Goodale*, of *Athol*, setting forth that he has had his Estate seized & taken from him, by means of an Execution in favor of *Ebenezer Rockwood*, which Execution is represented to have been obtained by Fraud, & praying for a New tryal :

Resolved, that the Prayer of the s^d memorial be so far granted, that the s^d *Goodale*, notify the s^d *Rockwood*, by serving him with an attested Copy of his Memorial & of this Resolve, at least thirty days previous to the second wednesday, of the next setting of the General Court, that he may appear & shew cause, if any he has, why the Prayer of this Memorial should not be granted, & that Execution be stayed in the mean time.

And be it further *Resolved*, that the s^d *Timothy Goodale*, shall improve his Real Estate until the final determination of this Court, with regard to a new tryal, it having been taken by virtue of an Execution notwithstanding.

November 15, 1787.

Chapter 72.

RESOLVE ON THE PETITION OF *JOHN LANGDON* AND *SARSON BELCHER*, DIRECTING THE TREASURER TO RECEIVE OF THEM A SUM IN GOVERNMENT NOTES IN DISCHARGE OF THEIR BOND.

Chap. 72

On the Petition of *John Langdon & Sarson Belcher*, praying that the Treasurer may be directed to suspend any process against them, on Account of a Bond which they signed in the Year 1782, with *James Jauncy*, and *Nathaniel Cudworth*, Auctioneers, to secure the payment of *one per cent.* duty, &c. as is fully set forth in their Petition :

Resolved, that the prayer thereof be so far granted, that the Treasurer of this Commonwealth, be, and he is hereby directed and Impowered, to receive of the said *John Langdon & Sarson Belcher*, the sum of *Thirty five pounds three shillings & four pence two farthings* in Government Notes of this Commonwealth, in full discharge of the said Bond, and that any process that has been made on the said Bond be stayed, they paying all cost, that hath heretofore arisen on the said Bond. *November 15, 1787.*

. Chapter 73.

Chap. 73 RESOLVE ON THE PETITION OF *JOSEPH BOYD*, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *BRISTOL*, THE SUM MENTIONED, AND TO RECALL THE EXECUTION.

On the petition of *Joseph Boyd*, setting forth that the Treasurer of this Commonwealth, has issued an Execution against him as Collector of the town of *Bristol*, for a deficiency of *Four hundred, eighteen pounds & nine pence*, stated to be the ballance due from him, on the State Tax, prior to No. 4: and whereas it appears, that by a Resolve of the General Court, passed the twelfth day of *November* Seventeen hundred & eighty four, the Assessors of the said town of *Bristol*, were directed to assess on the Inhabitants thereof, the sum of *Seven hundred ninety three pounds, ten shillings*, in lieu of all the Taxes, assessed previous to the said year, and that all the Warrants issued before that time, should be recalled, that all monies paid in subsequent to the first day of *June*, in the same year, should be credited in part thereof:

And whereas, on the twelfth day of *May*, in the same year, *Jacob Dockindorf*, another of the Collectors of the said Town, paid in the sum of *One hundred thirty eight pounds, six shillings & eight pence*, and doubts have arisen, whether the said last mentioned sum, ought to be carried to the credit of the said town; for removing of which,

Resolved, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the Town of *Bristol*, the said sum of *One hundred thirty eight pounds, six shillings and eight pence*, in part of the sum of *seven hundred ninety three pounds, ten shillings*, ordered to be assessed by the Resolution of the General Court, passed the twelfth day of *November*, One thousand seven hundred & eighty four, any thing to the contrary in the said Resolve, notwithstanding.

And it is further

Resolved, that the Treasurer be, and hereby is directed to recall the Execution by him issued, against the said *Joseph Boyd*.
November 15, 1787.

Chapter 74.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *TEMPLETON*, DIRECTING THE CLERK OF THE COURT OF COMMON PLEAS, TO REMIT THE SUM MENTIONED, AND ASSESS THE SAME ON THE TOWN OF *GERRY*.

Chap. 74

Upon the petition of the Selectmen of the Town of *Templeton*, setting forth that in the assessment of the County Tax, for the County of *Worcester*, granted by the General Court last *March*, the Sum of *thirty five pounds, one shilling and four pence*, was assessed upon the Inhabitants of the said *Templeton*, which proportion of Assessment, was too great by one third, since the incorporation of the Town of *Gerry*:

Therefore,

Resolved, that the third part of the Sum aforesaid, be assessed upon the Inhabitants of the Town of *Gerry*, and the Clerk of the Court of Common pleas, for the County aforesaid, is hereby ordered and directed, to remit to the Inhabitants of the Town of *Templeton*, the one third part of the said Sum of *thirty five pounds, one shilling & four pence*, and assess the same upon the Inhabitants of the Town of *Gerry*.
November 15, 1787.

Chapter 75.

RESOLVE ON THE PETITION OF *JOSEPH ADAMS*, GRANT TO, PROVIDED HE GIVE HIS OBLIGATION CONDITIONAL, &c.

Chap. 75

On the petition of *Joseph Adams* of *Lincoln*, praying for an order upon the Treasury of this Commonwealth for *seventy five pounds*, it being a sum allowed to *Love Adams*, Wife of *Dr. Joseph Adams*, an absentee, as her *dower*, she since is gone to *Europe*; for Reasons set forth in the Said Petition,

Resolved, that the prayer thereof be granted, and that there be allowed & paid out of the treasury of this Commonwealth, to the Said *Joseph Adams*, the petitioner, the Said Sum of *seventy five pounds*, provided the petitioner

give his obligation to the Treasurer in the penal Sum of *one hundred & fifty pounds*, Conditioned for the repayment of so much of the said sum, as the Said *Love Adams* may be intitled to receive, in case she returns to *America*.

November 15, 1787.

Chapter 76.

Chap. 76 RESOLVE ON THE PETITION OF *DANIEL* AND *EBENEZER WITHINGTON*, DECLARING NULL AND VOID THE JUDGMENT BY DEFAULT, AND GIVING LIBERTY TO *GILHAM TAYLOR*, TO ENTER HIS ACTION AT THE COURT OF COMMON PLEAS, AT *BOSTON*.

Upon the Petition of *Daniel Withington & Ebenezer Withington*, the fourth, both of *Dorchester*, praying that a Judgment recovered against them, by Default in an Action commenced by *Gilham Taylor*, of the said *Dorchester*, against them & one *Phillip Withington*, before *Thomas Crafts*, Esqr; (one of the Justices assigned to keep the Peace within & for the County of *Suffolk*), on the fourth day of *October* last, on the Confession Act, & may be set aside, & that the Petitioners may have an opportunity to defend the same at the next Court of Common Pleas, to be held in the County of *Suffolk*, as if no such default had happened, (if the said *Taylor* see cause) to prosecute his said Action :

Resolved, that the aforesaid Judgment by default be, & the same hereby is declared to be null and void, & that the said *Gilham Taylor*, have liberty to enter his said Action at the Court of Common Pleas, next to be holden at *Boston*, within & for the said County of *Suffolk*, (if he see fit) ; & the said Defendants shall be considered in the same situation as if they had appeared before the said Justice & refused to confess or refer the demand of the Pltf., Agreeably to the Law ; And the said Justice shall certify a Copy of the Proceedings before him, at the said *Taylor's* request, as if the said *Taylor* had formally notified the Petitioners in the Presence of the said Justice, that the said Action would be carried and entered at the said Court of Common Pleas, And the said Petitioners shall cause the said *Taylor* to be served with a Copy of this Resolve at least fourteen days before the sitting of the said Court.

November 15, 1787.

Chapter 77.

RESOLVE ON THE PETITION OF JOHN WEBBER, EMPOWERING HIM TO SELL THE REAL ESTATE MENTIONED.

Chap. 77

On the Petition of *John Webber*:

Resolved, That the s^d *John Webber*, be, and he is hereby authorized to sell so much of the Real Estate of *John Whitmore*, of *Medford*, in the County of *Middlesex*, Gentleman, Deceased, as will raise the Sum of *one hundred pounds*, and give the Purchaser or Purchasers a good Deed or Deeds for the same, the s^d *Webber* first giving Bond with sufficient sureties to the Judge of Probate for the s^d County of *Middlesex*, conditioned that he will observe the Rules prescribed by Law, for executors and administrators in the Sale of Real Estate and the Disposition of the proceeds of the s^d sale. *November 15, 1787.*

Chapter 78.

RESOLVE ON THE PETITION OF SAMUEL MATHER AND OTHERS, JUSTICES OF THE PEACE IN THE COUNTY OF HAMPSHIRE, AUTHORIZING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO AUDIT, EXAMINE AND ALLOW SUCH ACCOUNTS AS SHALL BE EXHIBITED BY THEM.

Chap. 78

Upon the Petition of *Samuel Mather*, and others, Justices of the Peace within and for the County of *Hampshire*, setting forth that on Complaint made against *Adnah Sackett*, & others, for making & uttering divers Species of counterfeit Silver Coin, and making divers Tools & Instruments, for counterfeiting the same, they the said Justices, after the said Persons were apprehended, opened a Court of Enquiry for hearing & examining the Witnesses, &c. and that sundry Days were spent, and great Expence accrued in Exertions to detect & bring to Punishment, such persons as were concerned in perpetrating the said Crime, praying for reasonable Allowance for Time & Expences, as set forth in the said Petition:

Resolved, that the Prayer of the said Petition be so far granted, that the Justices of the Supreme Judicial Court be, and they hereby are fully authorized & empowered to audit, examine & allow such Accounts as shall be exhibited by the Justices aforesaid, in like way and manner as they the said Justices might or could have done, had the said criminal Prosecutions been carried to final Issue & Effect.

November 16, 1787.

Chapter 79.

Chap. 79 RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT, THE PRESENT SESSION.

Resolved, that there be allowed, and paid to the members of the hon^{ble} Council, *eight shillings*, for each day's attendance; to the members of the hon^{ble} Senate, *seven shillings & sixpence*; and to the members of the House of Representatives, *seven shillings*, and the same pay for travel that has been usually allowed.

And it is further *Resolved*, that there shall be allowed and paid out of the public Treasury, to the hon. *Samuel Adams*, Esqr; President of the Senate, and to the hon. *James Warren*, Esqr; Speaker of the House of Representatives, each, the sum of *six shillings* per day, for every day's attendance on the General Court, the present session, over and above their respective pay as members thereof.

November 16, 1787.

Chapter 80.

Chap. 80 RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF YORK, AND GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS.

Whereas it appears upon examination of the Settlement of Accounts between the General Sessions of the Peace, for the county of *York*, and the Treasurer of the said County, on the ninth day of *October*, *A. D.* 1787, That all the money granted and Allowed by the said Court of General Sessions of the Peace, for the year past, were for such purposes and Appropriations as by Law the said court were empowered to Grant: Therefore

Resolved, That the said Accounts be Accepted and Allowed.

And whereas it appears from an Estimate of the Justices of the said court, Made at their General Session on the second Tuesday of *October*, *A. D.* 1787, That the Sum of *One Hundred and thirty pounds*, Will be necessary for defraying the Charges for the said county for One year next ensuing: Therefore

Resolved, that there be, and hereby is granted a Tax of *One Hundred and thirty pounds*, to be Apportioned on the Polls and Estates of the Inhabitants of the said County of *York*, and Assessed, Collected and Applied According to the Laws of this Common Wealth.

November 16, 1787.

Chapter 81.

RESOLVE ON THE PETITION OF *ABIEL PEIRCE*, DIRECTING THE TREASURER TO STAY EXECUTION AGAINST HIM.

Chap. 81

On the Petition of *Abiel Peirce*, of *Middleborough*, Constable, siting forth that he Received for Continental Tax No. 1, Committed to him to Collect a Security Signed by *Samuel Hiligas*, & counter signed by *Nathaniel Appleton*, Com^r, Dated *September* 13th, 1777, on Interest, to the amount of *ninety pounds*, which the Sheriff will not take to Satisfy said execution :

Resolved, that the Treasurer of this Commonwealth be, and hereby is Directed to stay Execution against the Said Constable, untill the first Day of *March* next, for Reasons set forth in the s^d Petition, & that the Sheriff of *Plymouth* County, govern him Self Accordingly.

November 17, 1787.

Chapter 82.

RESOLVE GRANTING £.2500 TO *AMASA DAVIS*, ESQ; Q. M. G. IN ADDITION TO FORMER GRANTS, TO COMPLEAT THE SETTLEMENT OF THE ACCOUNTS AGAINST THE COMMONWEALTH.

Chap. 82

On the Representation of *Amasa Davis*, Esqr; Quarter Master General, that the sum of *Two thousand five hundred pounds*, (in addition to the sum he has already received,) will be necessary to Compleat the Settlements he is directed to make in his department.

Resolved, that there be paid out of the public Treasury to *Amasa Davis*, Esqr; Q. M. General, the sum of *Two thousand five hundred pounds*, of the monies arising from the Specie Part of Tax No. five, the said *Amasa Davis*, Esqr; being accountable for the disposal of the same.

November 17, 1787.

Chapter 83.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF *BRISTOL*, AND GRANTING A TAX FOR DEFRAYING THE CHARGES OF SAID COUNTY.

Chap. 83

Whereas it appears to this Court by the Representation of the Justices of the Court of General Sessions of the Peace for the County of *Bristol*, that the monies Granted

and allowed by the said Court, were expended for such purposes as are authorized by Law :

Therefore *Resolved*, that the said Accounts be allowed : and whereas it appears by the Estimate of the said Court, of General Sessions of the Peace, for the County of *Bristol*, *September Term*, Anno Domino 1787, that the sum of *four hundred Pounds*, is necessary to be raised for defraying the charges of the said County the present year :

Therefore *Resolved* that there be, And hereby is Granted a Tax of *four hundred Pounds*, to be apportioned and Assessed on the polls and Estates of the inhabitants of the said County of *Bristol*, and applied to the use thereof according to the Laws of this Commonwealth.

November 17, 1787.

Chapter 84.

Chap. 84 RESOLVE DIRECTING THE Q. M. G. TO SETTLE THE ACCOUNTS EXHIBITED BY SELECTMEN, FOR THE AMMUNITION FURNISHED BY ORDER OF GOVERNMENT.

Resolved, That the Quarter Master General be, and he is hereby directed to settle the Accounts, which may be exhibited by the Selectmen of any town or district in this Commonwealth, for the Ammunition furnished by Orders of Government to either their, or the Militia of any other town or district, rating the several Articles of Ammunition at the current Value of such Articles in the particular place in which they were furnished ; and the Quarter Master General is hereby directed to govern himself accordingly.

November 17, 1787.

Chapter 85.

Chap. 85 RESOLVE ON THE PETITION OF *GEORGE WILLIAMS*, DIRECTING THE TREASURER TO GIVE HIS NOTE OR NOTES, IN BEHALF OF THIS COMMONWEALTH, ON INTEREST, FOR THE BALANCE DUE FOR THE SHIPS MENTIONED.

On the Petition of *George Williams*, praying for payment of the Ballances due to him & others, for the Ships *Black Prince* & *Hector*, lost at *Penobscot*.

Resolved, that the Treasurer of This Commonwealth be, & he is hereby directed to Give his Note or Notes, in behalf of this Commonwealth, on Interest, and payable for one Moiety of the Ballances due for the Ships afore-

said, in Six Months, & The other Moiety in Eighteen Months; and the Treasurer aforesaid, is further directed to pay the Interest on the Said Ballances from the Time of their Adjustment, To the date of the Notes, in the same Manner as he pays the Interest on the Consolidated Notes of this Commonwealth, provided the Said *Williams* Shall give final Discharges for the aforesaid Ballances, & Furnish the Committee for Stating & Methodizing the Acct^s of this Commonwealth, with proper Vouchers to Support a Charge against the United States for the amount of the Two Ships aforesaid.

November 17, 1787.

Chapter 86.

RESOLVE ON THE PETITION OF *JAMES HILDRITH*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. *Chap. 86*

Upon the petition of *James Hildrith*, setting forth that in an action br^t against him by *David Wheeler*, of *Concord*, at a Court of Common Pleas holden at *Groton*, in *May*, 1786, and also another action br^t against him by *Eph^m Hildrith* before *Eben^r Champney*, Esqr; of *Groton*; And praying that the judgments on the said actions may be sett aside & new tryals granted, for reasons sett forth in the petition:

Resolved, that the said *James Hildrith* notify the said *David Wheeler*, & *Eph^m Hildrith*, to shew cause, if any they have, on the second Wednesday, of the next setting of the General Court, why the prayer of the said petition should not be granted, by causing them to be served with an attested copy of this petition & order thereon, fourteen days before the said second Wednesday, and that Execution be stayed in the mean time. *November 17, 1787.*

Chapter 87.

RESOLVE ON THE PETITION OF *HEZEKIAH FAY*, DIRECTING THE TREASURER TO DISCHARGE THE EXECUTION. *Chap. 87*

On the petition of *Hezekiah Fay*, of *Southborough*, in the county of *Worcester*, Constable for the year 1780, Praying that an Execution for the sum of *seventeen Pounds Nineteen Shillings & 3^d*, Silver money, issued By *Thomas Ivers* Esq^r, late Treasurer of this Common Wealth, be discharged, for reasons set forth in the s^d Petition:

Resolved, That the Prayer of the s^d Petition be granted, & that the Treasurer be, & he hereby is directed to discharge the s^d Execution. *November 17, 1787.*

Chapter 88.

- Chap. 88* RESOLVE ON THE PETITION OF *FORTUNE BURNEE*, AUTHORIZING THE GUARDIANS OF THE *GRAFTON INDIANS*, TO SELL THE LAND MENTIONED.

On the petition of *Fortune Burnee*:

Resolved, that the prayer thereof be granted, and that *Edward Rawson, Willis Hall & Stephen Maynard, Esq's*, Guardians to the *Grafton Indians*, be, and they are hereby authorized and empowered to sell sixteen Acres and one hundred poles of land mentioned in the said petition, for the most the same will fetch, either by publick sale or otherwise as they shall judge most expedient, and to give a good Deed or Deeds of the same; and they are hereby further directed to apply the monies arising by such sale to the building an House for the said *Fortune Burnee*, and to no other purpose whatever. *November 19, 1787.*

Chapter 89.

- Chap. 89* RESOLVE ON THE PETITION OF THE PURCHASERS IN THE NORTH MILLS LOTTERY, DIRECTING THE MANAGERS OF SAID LOTTERY TO PROCEED TO THE DRAWING OF THE FOURTH CLASS, AND IN CASE.

Whereas there appears to have been unreasonable Delays in the drawing the North-Mills Lottery: & whereas in the Act authorizing & establishing the s^d Lottery, there is no Provision made for the time of drawing the same:

Be it therefore *Resolved*, that the Managers of the said Lottery be, and they are hereby directed to proceed to the drawing of the fourth Class of the said Lottery with all Expedition; and in case the said Managers shall not draw the same on, or before the twentieth day of *February* next, then the adventurers shall be intitled to receive the money which they gave for their Tickets respectively in the fourth Class of the said Lottery.

November 19, 1787.

Chapter 90.

- Chap. 90* RESOLVE DIRECTING THE TREASURER TO BORROW MONEY TO PAY THE GOVERNOR, COUNCIL, HOUSE OF REPRESENTATIVES, JUDGES, &c. &c. AND APPROPRIATING THE SPECIE PART OF THE CONTINENTAL TAX FOR SAID PURPOSE.

Whereas the exigencies of this Government are such as renders it necessary to borrow part of the specie Tax, granted to Congress, in the year 1786:

Be it therefore *Resolved*, that a sum sufficient for the purposes hereafter Expressed, be borrowed & retained from said Appropriation accordingly.

And it is further *Resolved*, that the Treasurer of this Common Wealth be, and he is impowered and directed to borrow on the credit of the specie part of the tax afor^d, or any other fund not before appropriated, a sum sufficient to pay his Excellency the Governor, the Members of the Council, the Senate, & House of Representatives in the present Session, and also to pay the Members of the General Court, their proportion of money borrowed for the Travel and attendance last Session, who did not receive it, the Justices of the Supreme Judicial Court the arrears due them, the Members of the late Continental Convention, and the Members of Congress for the year 1787, The Secretary of this Common Wealth, and the President of Harvard College. & the better to secure reimbursement to the individuals who may loan the same, the Treasurer is hereby directed not to give any orders or drafts on the s^d Specie Tax, untill the money borrowed in consequence of this Resolve is repaid; Excepting what may be necessary to discharge the pay rolls of the Troops lately in the service of Government, & other Expences in the Commissary and Quarter Master Generals departments, not to Exceed *Three Thousand pounds*.

And it is further *Resolved*, that the Treasurer be, and he is hereby further directed to replace the money he may borrow from the appropriation aforesaid, out of the first money that shall be brought into the Treasury from the next tax, which shall be granted for the use of this Government.

November 19, 1787.

Chapter 91.

RESOLVE ON THE PETITION OF *TIMOTHY CUTLER*, APPOINTING A COMMITTEE TO ASCERTAIN THE VALUE OF THE LAND MENTIONED.

Chap. 91

On the petition of *Timothy Cutler*, praying that Compensation be made him for a Tract of Land containing five hundred Acres, which he purchased of one *John Wiswall*, who held the same under an incomplete grant of the Government of the late Province of the *Massachusetts Bay*, and which has been since granted under the authority of this Commonwealth to other Persons: Therefore

Resolved, that Mr. Nason, Mr. Fox & Mr. Noyes, be a Committee to ascertain the value of the said Tract of Land, and that the Petitioner be permitted to lay out so much of the unappropriated Lands within this Commonwealth, as the said Committee shall judge to be a reasonable Compensation for the damage he has sustained, The said Committee to make report of their doings to the Committee that is or may hereafter be appointed for the sale of eastern Lands, who are authorized and empowered to make a deed of the same to the said *Timothy Cutler*, which when duly executed and recorded, shall completely vest the Lands therein described in the said *Timothy Cutler*, his heirs & assigns forever.

November 20, 1787.

Chapter 92.

Chap. 92 RESOLVE ON THE PETITION OF THE PLANTATION OF LEWISTOWN, APPOINTING A COMMITTEE TO VIEW THEIR CIRCUMSTANCES, AND REPORT.

On the Petition of the Plantation of *Lewistown*, in the County of *Lincoln*, setting forth their inability to Pay Publick Taxes, and Praying that a Committee may be Sent to View their Circumstances, and that the Executions against them may be Staid :

Resolved, for Reasons set forth in the said Petition, that Mr. Thacher, Mr. Merril and Mr. Sylvester, be a Committee to Repair to the said Plantation to view their Circumstances, at the Expence of the said Plantation, and Report at the next Setting of the General Court, and that the Executions against the said Plantation be staid in the mean time.

November 20, 1787.

Chapter 93.

Chap. 93 RESOLVE DIRECTING THE SECRETARY TO GIVE CERTIFICATES FOR THE PAYMENT OF THE BEEF TAX.

Whereas the Time is expired wherein the Secretary was directed to give Certificates relative to the payments made upon the Beef Tax so called :

Resolved, That the Secretary be, and he hereby is ordered and directed to give certificates of the payments made as aforesaid ; and that the said Certificates be received at the Treasurer's Office and credited as heretofore, any Law or Resolution to the contrary notwithstanding.

November 21, 1787.

Chapter 94.

RESOLVE ON THE PETITION OF *THOMAS CLARKE* AND *JOHN READ*, DIRECTING THE TREASURER TO SUSPEND ISSUING EXECUTION AGAINST THE ASSESSORS OF THE TOWN OF *ROXBURY*. Chap. 94

On the petition of *Thomas Clarke* and *John Read*, Esq's. representing that *James White*, who was chosen Collector for the Town of *Roxbury*, for the year 1783, has absconded, leaving a large ballance due on State Tax No. 3, in consequence of which the Treasurer of the Commonwealth, has issued a *scire facias*, against the assessors of the said Town, and praying that Execution may be stayed, for reasons set forth in the said petition :

Resolved, that the prayer thereof be so far Granted, that the Treasurer of this Commonwealth be, and he hereby is directed to suspend issuing Executions against the Assessors of the said Town of *Roxbury*, for the term of Six months from the passing of this Resolve, any law to the Contrary notwithstanding. November 20, 1787.

Chapter 95.

RESOLVE ON THE PETITION OF *JAMES SWAN*, DECLARING VOID A JUDGMENT RENDERED BY DEFAULT AGAINST HIM, AND EMPOWERING *ANDREW BRIMMER*, ATTORNEY TO *EMANUEL ELAM*, TO ENTER THE ACTION AT THE NEXT COURT OF COMMON PLEAS HOLDEN AT *BOSTON*, AND SAID *SWAN* TO NOTIFY SAID *BRIMMER* THEREOF; AND REPEALING A RESOLVE PASSED *OCTOBER* LAST. Chap. 95

On the petition of *James Swan* :

Resolved, That the judgement rendered by default against *James Swan*, on the ninth day of *August* last past, before *Thomas Crafts*, Esqr; in favor of *Emanuel Elam*, & the Execution issued thereon, be, & hereby are declared void; and that *Andrew Brimmer*, Attorney to the said *Emanuel Elam* be, and he hereby is impowered to enter the action of the said *Emanuel Elam*, against the said *James Swan*, at the next Court of Common Pleas to be holden at *Boston*, within & for the County of *Suffolk*, on the first Tuesday of *January* next, and to produce all the papers & evidence filed in the said case, in the same manner as by Law he might if the said *James Swan* had appeared before the said *Thomas Crafts*, Esqr; & denied the demand of the said *Elam*; and further, that

the said *James Swan*, give notice to the said *Andrew Brimmer*, Attorney as aforesaid, by serving him with an attested copy of this Resolve fourteen days at least before the said first day of *January* next, & pay the costs which have already arisen; And the Justices of the said Court of Common Pleas are hereby authorized to take cognizance of the said Action, as if the same came before the said Court in the ordinary course of Law.

Resolved further, That the Resolution of the General Court of the 19th of *October* last, upon the Petition of the said *James Swan*, be, and hereby is repealed.

November 20, 1787.

Chapter 96.

Chap. 96 RESOLVE ON THE PETITION OF *EZRA PHILLIPS*, DIRECTING THE TREASURER TO ISSUE ANOTHER NOTE, HE GIVING BOND, &c.

On the Petition of *Ezra Phillips*, setting forth that on the first day of *September*, One thousand seven Hundred and Eighty three, he received from the Treasurer a Consolidated Note payable to him or bearer, for the sum of *Twenty Eight pounds five shillings and Eight pence*, and that some time afterwards in the same Month, the said Note was by unavoidable Accident lost.

Resolved, that the Treasurer be, and he hereby is directed to issue to the s^d *Phillips* another Note of the same Date, and for the same sum, the s^d *Phillips* giving good and sufficient Bonds with sureties to indemnify and save harmless this Commonwealth from the Note lost as aforesaid.

November 20, 1787.

Chapter 97.

Chap. 97 RESOLVE GRANTING A TAX TO THE COUNTY OF *SUFFOLK*.

Whereas it appears by the representation of the Justices of the Court of General Sessions of the Peace for the County of *Suffolk*, made on the third Tuesday of *April*, *Anno Domini* 1787, that the sum of *Six hundred pounds*, is necessary for discharging part of the debt due from the said County of *Suffolk*, to the heirs of *Ezekiel Goldthwait*, Esqr; Dec^d, and that a further sum is necessary for defraying the charges of the said County, the present year: therefore

Resolved, that there be, and hereby is granted a Tax of *Three Thousand pounds*, to be apportioned and assessed on the Polls and Estates of the Inhabitants of the said County, which shall be applied, *Six hundred pounds* thereof, for the purpose of discharging a part of the Debt due to the heirs of *Ezekiel Goldthwait*, Esqr; deceas'd, and the remaining sum of *Two thousand four hundred pounds*, for the use of the said County, according to the Laws of this Commonwealth. *November 21, 1787.*

Chapter 98.

RESOLVE ON THE PETITION OF *JOHN JENNINGS*, IN BEHALF OF THE TOWN OF *LUDLOW*, AUTHORIZING THE ASSESSORS TO ASSESS THE SUM MENTIONED. *Chap. 98*

Upon the petition of *John Jennings*, in behalf of The Town of *Ludlow*, seting forth that by a Mistake a Warrant was sent from the Treasury Office to the Assessors of the said Town, directing them to assess a certain proportion of Tax No. 2, upon the Poles & Estates of the said Town, which was assessed accordingly, & which was less than it ought to have been, and that afterwards the Treasurer discovered the Mistake and sent another Warrant for *forty four pounds thirteen Shillings & four pence*, over and above the former Warrant, and praying that further Time may be allowed the said Town to discharge the said Tax, and that the same may be assessed upon the Estates of the Inhabitants of the said Town exclusive of the poles :

Resolved, that the prayer of the said petition be granted, and that the Assessors of the said Town be, and they are hereby authorized & directed to assess the aforesaid Sum of *forty four pounds thirteen Shillings & four pence*, upon the Estates of the said Inhabitants and that they be allowed the Term of three Months from the Date hereof to discharge the same, and the Treasurer is directed to take notice hereof accordingly. *November 21, 1787.*

Chapter 99.

RESOLVE ON THE PETITION OF *JOHN JENKS*, TO NOTIFY, TO SHEW CAUSE. *Chap. 99*

On the Petition of *John Jenks* setting forth that Judgment was rendered against him in favor of *Samuel*

Miller, of *Adams*, at the Session of the Supreme Judicial Court in the County of *Berkshire*, in *March* last, & praying for relief, for reasons set forth in the said petition, & for a new trial :

Resolved, That the said *Jenks*, serve the said *Miller* with a copy of his petition and this Resolve, fourteen days before the second Wednesday of the next Session of the General Court, to shew cause why the prayer of the said petition should not be granted, and that Execution on the aforesaid Judgment, in the mean while be stayed.

November 21, 1787.

Chapter 100.

Chap.100 RESOLVE ON THE PETITION OF *BETTY EPHRAIM*, ONE OF THE *NATICK* INDIANS.

On the Petition of *Betty Ephraim*, one of the *Natick* Indians praying for some provision for her support :

Resolved, That the Guardians of *Natick* Indians provide suitable support for the s^d Petitioner, and lay their Accounts therefor before the Committee of Accounts for their allowance.

November 21, 1787.

Chapter 101.

Chap.101 RESOLVE DIRECTING THE SECRETARY TO RECORD THE AGREEMENT ENTERED INTO BY THE AGENTS OF THIS COMMONWEALTH, AND THE STATE OF *NEW-YORK*.

On the Governour's Message respecting the Proceedings of Commissioners appointed to run the Line between this Commonwealth & the State of *New York*, eastward of *Hudson's River* :

Ordered, that the Agreement entered into by the Agents of this Commonwealth, and the State of *New York*, on the twenty first day of *July* last, be recorded by the Secretary of this Commonwealth, and that the said Agreement with the Papers accompanying it, be filed in the Secretary's Office.

November 21, 1787.

Chapter 102.

Chap.102 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *NATICK*, FOR STAYING EXECUTION.

Upon the Petition of the Selectmen of the Town of *Natick*, praying for a Discharge of an Execution against the said Town, for the Reasons set forth in the Petition :

Resolved, that the Prayer of the Petition be so far granted, that the said Execution be stayed till the next session of the said General Court, & that the Sheriff of the said County of *Middlesex*, be, & he is hereby ordered to cause the said Execution to be stayed accordingly.

November 21, 1787.

Chapter 103.

RESOLVE GRANTING TO *JOHN TUCKER*, ESQ; CLERK TO THE SUPREME JUDICIAL COURT, £.50 AND AUTHORIZING THE TREASURER TO BORROW THE SAME. *Chap.103*

On the Petition of *John Tucker*, one of the Clerks of the Supreme Judicial Court, praying an allowance for services in his said office :

Resolved, that there be paid out of the public Treasury of this Commonwealth, *Fifty pounds*, to the said *Tucker*, he to account for the same, and that the Treasurer be, and he is hereby authorized to borrow the said sum, in manner and on the Same funds as is provided by a resolve of the 27th of *October* last, for payment of the several Clerks in the Treasurer's and Secretary's Offices.

November 21, 1787.

Chapter 104.

RESOLVE ON THE PETITION OF THE SELECTMEN, OF THE TOWN OF *CUMINGTON*, DIRECTING THE CLERK OF THE PEACE FOR THE COUNTY OF *HAMPSHIRE*, TO PROPORTION A CERTAIN TAX. *Chap.104*

On the Petition of the Selectmen of the Town of *Cumington*, praying for a Division of a County Tax bill, which the Clerk of the peace for the County of *Hampshire*, sent to the s^d Town, of *Four pounds fourteen Shillings*, bearing Date the Tenth Day of *February*, 1784, which appears to be the Proportion of the Said Town, and the District of *Plainfield* :

Resolved, that the proportion of the town of *Cumington*, of the aboves- Tax is *three pounds four shillings & Seven Pence*, & the proportion of the District of *Plainfield*, is *one Pound nine Shillings & five Pence*, and the Clerk of the peace for the County of *Hampshire*, is hereby Directed to Govern him Self Accordingly.

November 21, 1787.

Chapter 105.

Chap.105 RESOLVE ON THE MEMORIAL OF JOHN LUCAS, ESQ; COMMISSARY OF PENSIONERS.

Upon the memorial of *John Lucas*, Commissary of Pensioners of the Army & Navy of the United States, Stating that the Pension list for residents within this Commonwealth, to the 1st of Jan^y 1785, amounted to £12.214.12.5, which in conformity to an order of this Government, was then made out & transmitted to the Commissioners of the Continental Treasury, & the said Sum was drawn for on the Treasury of the United States, in consequence of a resolution of Congress, of Nov^r 1782; But the said Pension List, not having been made out, in conformity to the mode prescribed by the said Resolve of Nov^r 1782, it was not paid, & this Commonwealth in consequence thereof, has not received credit for it: Therefore

Resolved, that the Committee for Methodizing Public Acct^s be, & they hereby are directed to make charge of the aforesaid sum of £12.214.12.5, in behalf of this Commonwealth, against the United States, and adjust the same with the Commissioner or Commissioners, who are or may be appointed to Audit the Acct^s of this Commonwealth, against the United States.

And it is further *Resolved*, that such part of a Resolve of the General Court, of the 17th of *March* 1786, which directs the Treasurer of this Commonwealth, to pay to the individuals, the several Sums affixed to their Names respectively, on such Rolls, out of monies to be appropriated for that purpose, be repealed, And that there be paid out of the Public Treasury from time to time, to the Commissary of Pensioners, by Grant of the General Court, sufficient to enable him to discharge the amount of his Rolls of Pensioners as aforesaid, the same to be charged to the United States, agreeably to a Resolve of Congress, bearing date the 7th of *June*, 1785.

And it is further *Resolved*, that all Pensioners employed at *Castle William*, be paid by the Treasurer of this Commonwealth, such Wages only as they may be entitled to, over & above what may be due to them as Pensioners, any former Resolve to the contrary notwithstanding; And the Commissary of Pensioners is directed to pay them

their Pensions respectively, in the same manner as if they were not employed as aforesaid, the same to be charged to the United States.

November 21, 1787.

Chapter 106.

RESOLVE ON THE PETITION OF THE SELECTMEN OF *ALMSBURY*, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR AN OVERCHARGE IN TAX No. 3. *Chap. 106*

On the Petition of the Selectmen of *Almsbury*, Praying for an abatement of a fine assessed on the Said Town, in Tax No. 3, for a Deficiency of nine three years men.

Whereas it appears that the said Town of *Almsbury*, were overcharged to the amount of two men, & one half, by the Resolve of the 2nd of *December* 1780.

Resolved, that there be abated to The said Town of *Almsbury*, the sum of *six Hundred and thirty five pounds seven shillings & five pence*, it being for the sum which the said Town was overcharged in Tax No. 3, & one half the average price assessed on the said Town for a Deficiency of six men & one half, & the Treasurer of this Commonwealth, is hereby directed to Credit the said Town of *Almsbury* accordingly. *November 21, 1787.*

Chapter 107.

RESOLVE ON THE PETITION OF *SAMUEL PARKER*, EXECUTOR OF *THOMAS IVERS*, ESQ; APPOINTING *SAMUEL THWING* AND *JAMES FOSTER*, TO EXAMINE THE BOOKS, &c. AND TO RECEIVE THE BOOKS AND PAPERS, RELATIVE TO THE LATE BOARD OF WAR, AND GRANTING £.100, TO THE SAID EXECUTORS, FOR THE USE OF THE HEIRS OF SAID *IVERS*. *Chap. 107*

On the petition of *Samuel Parker*, Executor of *Thomas Ivers*, Esqr; the late treasurer, praying for an allowance to said *Ivers's* heirs, & that a Committee be appointed to examine the books & papers of the said Treasurer, & to transact certain business thereon:

Resolved, That the prayer of the said Petition be granted, & that Mess^{rs} *Samuel Thwing & James Foster* of *Boston*, be appointed to examine the Books & accounts of the said late Treasurer, in order for immediate settlement.

And whereas by a resolve of the first of Nov^r 1786, a Committee was appointed to deface a certain quantity of the Bills of new Emission, so called, & to burn cer-

tain notes & securities of several denominations, then in the Treasury ; & whereas there remained in the Treasury a surplus thereof, over & above what the said Committee was authorized to deface & burn, as appears by report of *July 6, 1787* : Therefore

Resolved, that the Committee appointed 1st of Nov. 1786, be a Committee to deface the overplus of the said Bills, & burn the same overplus of Notes & Securities, in manner pointed out by the said Resolve first mentioned.

Resolved further, That the Executors of the said late Treasurer be, & they hereby are directed to deliver the Books & papers of the late Board of War, to the Committee for stating & methodizing the publick Accounts of this Commonwealth ; and the said Committee are hereby directed to receive the same accordingly.

And it is further *Resolved*, that the sum of *one hundred Pounds* be paid out of the treasury of this Commonwealth, unto the Executors of the said *Ivers*, for the use of his heirs, as a compensation for his settling the accounts of the said Board of War. *November 21, 1787.*

Chapter 108.

Chap.108 RESOLVE ON THE PETITION OF *LEVI THAYER*, DECLARING A JUDGMENT, AND ANY EXECUTION ISSUED, TO BE VOID, AND GRANTING LEAVE TO ENTER THE ACTION AT THE NEXT SUPREME JUDICIAL COURT IN *HAMPSHIRE*, AND STAYING JUDGMENT.

On the Petition of *Levi Thayer*, praying for relief from a certain Judgment recovered against him at a Court of Common Pleas, held at *Springfield*, in & for the County of *Hampshire*, on the second Tuesday of *November 1785*, by *William Lyman*, of *Northampton*, Esquire ; for reasons set forth in said Petition, the parties having had a full hearing, and the said *Lyman* consenting to the said Petition being granted :

Resolved, that the prayer of said Petition be granted, and that the said Judgment and any Execution which may have been issued thereon, be, and hereby are declared Null and void, and that the said Action may be entered by either party at the next Supreme Judicial Court to be holden in & for the County of *Hampshire*, and the same proceedings had thereon, as if it had been regularly appealed from said Court of Common Pleas from a judg-

ment there rendered, on an Issue joined either in Law or fact.

And it is further *resolved*, that any Judgment which may be recovered against the said *Lyman*, jointly or severally, by the said *Thayer*, on any action now instituted, be stayed until a final Determination of the first mentioned Action in the County of *Hampshire*.

November 21, 1787.

Chapter 109.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF GRAY. ABATING SAID TOWN, £ 460 OUT OF THE TOTAL AMOUNT OF THE TAXES CHARGED SAID TOWN, AND CONFIRMING A GRANT OF LAND No. 9, IN THE 3^d DIVISION, AND 29 IN THE 1st DIVISION, MADE TO SAMUEL PERLY.

Chap.109

On the petition of the Select men of the Town of *Gray*, in the County of *Cumberland*, in behalf of the Said Town :

Resolved, for reasons set forth in the said petition, that there be abated to the said Town of *Gray*, the sum of *four hundred & sixty pounds*, out of the Total amount of the Taxes which stand charged against the said Town, and the Treasurer is hereby directed, to govern himself accordingly.

Resolved, that the grant of Land No. nine, in the third division, and twenty nine in the first division, made by the said Town of *Gray*, to *Samuel Perly*, Clerk, be, and hereby is confirmed to the said *Samuel Perly*, his heirs and assigns forever.

November 21, 1787.

Chapter 110.

RESOLVE ON THE PETITION OF JOHN BRIDGHAM, AND OTHERS, DIRECTING THE PROPRIETORS OF SHEPARDSFIELD, BAKER'S-TOWN, TURNER, &c. TO EXHIBIT TO THE GENERAL COURT, THE BOUNDARIES OF THEIR SEVERAL CLAIMS: AND THE PROPRIETORS OF SHEPARDSFIELD AND BAKER'S-TOWN TO APPEAR AND SHEW CAUSE BY THEIR AGENTS OR ATTORNEIES.

Chap.110

On the petition of *John Bridgham*, & others, praying the General Court to grant or sell to them a Tract of Land laying between *Shepardsfield*, *Baker's Town* and *Turner* :

Resolved, that the Proprietors of *Shepardsfield*, *Baker's Town*, *Turner*, *Otisfield*, *Raymondstown* & *New Gloucester*

ter, exhibit on the Second Wednesday of the next Session of the General Court, the Boundaries of their Several Claims; and that the Proprietors of *Shepardsfield & Baker's Town*, appear on said day, by their Agents or Attorneys, to shew Cause if any they have, why the prayer of the said petitioners should not be granted. And the Secretary is directed to publish this Resolve in the *Portland & Essex News Papers*, and in the *Boston News Papers* printed by *Adams* and *Nourse*, three weeks successively.

November 21, 1787.

Chapter 111.

Chap.111 RESOLVE ON THE PETITION OF *EDWARD TYLER*, ATTORNEY TO *ELISHA TYLER*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. AND STAYING EXECUTION IN THE MEAN TIME.

On the petition of *Edward Tyler*, Attorney to *Elisha Tyler*, praying that a Judgment obtained against him by *Samuel Stinson*, at the last Court of Common Pleas, in *Pownalborough*, may be reversed, & that he may have a new Trial.

Resolved, that the said Petitioner serve the said *Stinson*, with a copy of the above mentioned petition, & of this resolve thereon, fourteen days before the second Wednesday of the next Sessions of the General Court, that he may then shew cause why the prayer of the said petition should not be granted, & that Execution issued on the said Judgement be stayed in the mean time.

November 21, 1787.

Chapter 112.

Chap.112 RESOLVE DISCONTINUING THE BOUNTY ON OIL AFTER THE FIRST DAY OF DECEMBER NEXT.

Whereas it appears that it is no longer necessary for the preservation of the Whale fishery, to continue the bounty on Oy^l granted by a Resolve of the General Court, of *november 28, 1785*: Therefore

Resolved, That the bounty on Oy^l granted by the said resolve be discontinued, from and after the first day of *December* next.

And it is further *Resolved* that no warrant be given by the Governor and Council, in pursuance of the said resolve of *November 28, 1785*, after the said first day of *December*

next, unless the Select men signing the Certificate required by the said Resolve, shall further Certify that the Oy^l named in the said Certificate was landed in some port or place within this Commonwealth, on or before the said first day of *December* next. *November 21, 1787.*

Chapter 113.

RESOLVE ON THE PETITION OF *BENJAMIN LINCOLN, JUN. ATTORNEY TO STEPHEN HUSSEY AND JONATHAN JENKINS.* *Chap. 113*

On the petition of *Benjamin Lincoln, jun. Attorney to Stephen Hussey and Jonathan Jenkins*, administrators of the estate of *Abraham Pease*, deceased.

Resolved, That the action wherein *Jonathan Parker, jun. of Clarendon*, in the county of *Charlotte*, and State of *New York*, was plaintiff against the aforesaid *Abraham Pease*, defendant, pending at the Court of Common Pleas, holden at *Biddeford*, in & for the County of *York*, on the second Tuesday of *October*, in the year last past, and which was through mistake defaulted at the said Court, may be brought forward & re-entered at the Court of Common Pleas, next to be holden in and for the said County, and the cause shall then & there stand open for trial between the said *Parker*, and the Administrators, in the same manner as if the said action had been regularly continued from Court to Court; and the Clerk of the said Court, is directed to reenter the same; and the said Court are authorized and directed to proceed thereon accordingly:

And be it further *resolved*, that the judgment recovered upon the default of the said *Pease*, and all proceedings thereon, be suspended.

Be it further *Resolved*, that the Administrators aforesaid, serve *Ebenezer Sullivan of Berwick*, in said County of *York*, Esquire the said *Parker's* Attorney in the suit aforesaid, with an Attested copy of the said Petition and this Resolve, fourteen days at least before the next setting of the next Court of Common Pleas, to be holden in and for the said County of *York*. *November 22, 1787.*

Chapter 114.

RESOLVE ON THE PETITION OF *JAMES PERRY, ESQ*; GRANT TO. *Chap. 114*

On the Petition of *James Perry, Esq*; praying that he may receive a Sum of money, which appears to be Due to him, for purposes mentioned in his Petition.

Resolved, That there be allowed and paid out of the Publick Treasury of this Commonwealth, to the Said *James Perry*, the Sum of *twenty one pounds one Shilling and six pence*, in full of the ballance due to the Said *James Perry*, on acct of money he paid to *Joshua Davis*, for boarding a *French Priest*, a *Linguist*, and three *Indians*, in the year 1781.

November 22, 1787.

Chapter 115.

Chap.115 RESOLVE ON THE PETITION OF THE SELECTMEN OF *GEORGETOWN*, IN THE COUNTY OF *LINCOLN*, CONFIRMING THE DOINGS OF THE SAID TOWN RESPECTING THEIR BEEF TAX, AND DIRECTING *SAMUEL McCobb*, AGENT, TO ACCOUNT WITH THE TREASURER, FOR MONIES AND BEEF HE RECEIVED IN CONSEQUENCE OF AN ASSESSMENT, AND DIRECTING THE COLLECTORS TO ACCOUNT.

On the Petition of the Select Men of *Georgetown*, in the County of *Lincoln*, praying that an Execution which has issued against the said Town, for the sum of £479. 16. 8., may be recalled.

Resolved, that the doings of the said Town, respecting their assessing money in lieu of the beef, which they were required to furnish, by several Resolves of the General Court, that passed in the month of *December*, 1780, and *June* 1781, be, and they are hereby confirmed and made valid, any irregularity in the manner of making the said assessment notwithstanding.

And it is further *Resolved*, that *Samuel McCobb*, Esquire the Agent appointed to receive beef for the use of the Army, in the said County of *Lincoln*, be, and he is hereby directed to account with the Treasurer of the Commonwealth, for all monies and beef he has received in consequence of the said assessment, and the doings of the Town afores^d, respecting their procurement of beef; and the said Treasurer is directed and empowered to call upon the said *McCobb*, to account therefor accordingly.

And it is further *Resolved*, that the said Treasurer pass to the credit of the said Town all moneys and the amount of all beef which the said Agent has received, and shall pay in as aforesaid: And it is further

Resolved, that Capt. *John White*, *Seth Tarr*, and *Joseph Bowker*, Collectors of the said Town, be, and they are hereby severally directed to account for, & pay to the Treasurer of the said Town, the whole of their Collections

aforesaid respectively, excepting such part thereof as they have already paid to the said *McCobb*; and the Treasurer of the said Town, is hereby empowered and directed to account with and receive of the said Collectors, all such moneys as they have not paid as aforesaid, and if need be to issue his executions against them or either of them, returnable to himself or successor in the said Office, within sixty days from the issuing thereof, for the full amount of their said Collections, excepting such parts thereof, as they may have paid as aforesaid to the said Agent.

And whereas it appears, that the Resolves for procuring Beef, were not received until the Several periods of delivering prefixed, had elapsed: Therefore

Resolved, That upon the said Town of *Georgetown*, paying & accounting with the Treasurer of this Commonwealth, for the sum of *three hundred & eighty three pounds & twelve shillings*, including all Monies & Beef paid the said *Sam^l McCobb*, which appears to be the sum that the said Town ought to have raised in lieu of Beef, the same shall be received & admitted by him in full discharge for the Beef required as aforesaid.

And it is further *Resolved*, that the Selectmen or Assessors of the said Town of *Georgetown*, for the time being, are hereby fully authorized & Impowered to Assess upon the Polls & Estates of the Inhabitants of the Town of *Bath*, their proportionable part of £383.12 agreeable to the valuation, by which the said town of *Georgetown* was assessed, previous to the Town of *Bath* being sett off from the said Town of *Georgetown*, & to enforce the collection & payment of the same, by such Collector or Collectors of the said Town of *Bath*, to whom such Assessment may be committed, by Execution or Executions to be issued by the Treasurer of *Georgetown*, for the time being, if need be: And it is further

Resolved, that the said Town of *Georgetown*, be allowed six months from the passing of this Resolve, to complete the Assessment & Collection Aforesaid, and to pay into the Treasury of this Commonwealth, such part of the said £383.12, as has not been already paid in Money & Beef to the Agent Aforesaid.

November 22, 1787.

Chapter 116.

Chap.116 RESOLVE FOR CEASING THE REGULAR PAY OF *AMASA DAVIS*, ESQ; Q. M. G. AND DIRECTING HIM IN FUTURE TO KEEP OPEN HIS OFFICE ON CERTAIN DAYS, AND DIRECTING ALL PERSONS TO EXHIBIT THEIR ACCOUNTS ON OR BEFORE THE FIRST DAY OF *MARCH* NEXT, AND DIRECTING THE SECRETARY TO PUBLISH THIS RESOLVE.

Resolved, that from and after the passing this Resolve the Regular pay of *Amasa Davis*, Esqr; Quarter Master General of this Commonwealth, Shall Ceas and Determine, And that he be Directed in future to keep Open his Office on wednesday and thursday of each week, for the purpose of Receiving And Settling Accounts Against this Commonwealth, for Services Relating to his Department Incurred during the Late Rebellion, untill the first Day of *March*, And that all persons having Accounts Relating to that Department, be, And they Are hereby directed to Settle the same before that time, And the said Quarter Master General, is further Directed, upon the Completion of the Said business, to lay his Accounts before the General Court for Allowance And payment, Agreeably to law; And the Secretary of this Commonwealth, is hereby Directed to publish this Resolve in *Adams & Nourse's* paper, And in the papers printed in *Northampton, Springfield, worcester* And *Pittsfield*, that all persons concerned may take notice and govern themselves Accordingly.

November 22, 1787.

Chapter 117.

Chap.117 RESOLVE ON THE PETITION OF *ROGER HASKELL*, AND OTHERS, MEMBERS AND INHABITANTS OF THE THIRD PARISH IN *ROCHESTER*, EMPOWERING ANY JUSTICE OF THE PEACE FOR THE COUNTY OF *PLYMOUTH*, ON APPLICATION BY TEN OR MORE OF THE FREEHOLDERS, TO ISSUE HIS WARRANT FOR THE PURPOSES MENTIONED.

On the Petition of *Roger Haskell* and others, members and Inhabitants of the third parish in *Rochester*, praying that a resolve pass the General Court, whereby the said parish may be enabled to have a parish meeting, for reasons mentioned in the said Petition :

Resolved, That the prayer of the said petition be granted, and that any Justice of the peace for the County of *Plymouth*, be, & hereby is Authorized and impowered

on application being made to him in writing by ten or more of the freeholders of the said Parish for that purpose, to issue his warrant directed to either of the Constables of the said Town of *Rochester*, directing him to notify and warn a meeting of the said parish at such Time and place within the limits of said parish as he shall think proper, to choose all parish officers for the current year, and to act on any other Articles which the said Freeholders shall particularly discribe in their application to the said Justice ; and the doings of the said meeting so warned shall be held legal and valid, as tho the said meeting had been duly and legally warned in the month of *March* or *April*, any Law, usage or custom to the contrary notwithstanding.

November 22, 1787.

Chapter 118.

RESOLVE ON THE PETITION OF A NUMBER OF TOWNS IN THE COUNTY OF *LINCOLN*, ALLOWING THE SHERIFF TO RETURN HIS EXECUTIONS RESPECTING THE BEEF TAX, AND DIRECTING THE TREASURER TO STAY ISSUING EXECUTIONS UNTIL *MARCH* NEXT.

Chap.118

On the Petitions from a number of Towns in the County of *Lincoln* :

Resolved, that the Sheriff of the s^d County be, & he hereby is allowed to return the Executions in his hands against the respective towns in the s^d County of *Lincoln*, on the Beef Tax, not satisfied, any Resolve of the General Court to the contrary notwithstanding.

And it is further *Resolved*, that the Treasurer of this Common Wealth, be directed to stay issuing his Executions against the Towns in the County of *Lincoln*, for the Ballances due on the Beef Tax, untill the first Tuesday of *March* next.

November 22, 1787.

Chapter 119.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *MENDON*, FOR STAYING EXECUTION THREE MONTHS.

Chap.119

On the Petition of the Selectmen of the Town of *Mendon*, in behalf of the Said Town, Praying that an Execution Issued by the Treasurer of this Commonwealth against the said Town, for Taxes in the year one Thousand Seven Hundred and Eighty Three, may be Stayed :

Resolved, that for Reasons Set forth in the Said Petition, the Prayer thereof be so far granted that the Said Execution be Stayed three months from the Date hereof, and all persons Concerned are Directed to govern themselves accordingly.

November 22, 1787.

Chapter 120.

Chap.120 RESOLVE ON THE PETITION OF *MARY HALL*, EMPOWERING TWO JUSTICES IN THE COUNTY OF *SUFFOLK*, TO GRANT HER A LICENCE.

On the petition of *Mary Hall*, Retailer of Spiritous Liquors in *Boston*, in the County of *Suffolk*, praying to obtain a licence for exercising that employment in a House, to which she is about to remove :

Resolved, That any two Justices of the Peace *quorum Unus*, in the County of *Suffolk*, are hereby empowered to grant her a licence for the above purpose, she obtaining the approbation of the Selectmen of the Town of *Boston*, & complying with the Requisition of the Law.

November 22, 1787.

Chapter 121.

Chap.121 RESOLVE ON THE PETITION OF *DANIEL TRAVIS* AND OTHERS, INHABITANTS OF *NATICK*, EMPOWERING THE GUARDIANS TO SAID INDIANS TO GIVE A GOOD DEED OF THE LAND MENTIONED.

On y^e Petition of *Daniel Travis* & others, for the Making good & vallid their Title to Certain Tracts of Land Purchist by the said Petitioners of y^e *Natick* Indians, So Called :

Resolved, That *Joseph Twichel*, *Joseph Curtis* & *Daniel Whitney*, Guardians to the said Indians be, & they are hereby empowered, by their Signing and approbating the Said Deeds, & Seeing that the Said Purchisers Do Pay the Real Value of the Said Lands to the Said Indians, if not Allredy Paid, with all Necessary Charges, that then ye Said Purchisers Title to be Good & Valid to all Intents & Purposes, any Law, Usage or Custom to ye Conteray notwithstanding.

November 22, 1787.

Chapter 122.

RESOLVE ON THE PETITION OF *DAVID PIXLEY*, GRANT TO. *Chap.122*

On the Petition of *David Pixley*, praying for allowance for his Service as Deputy Quarter Master General, the last Winter :

Resolved, That there be allowed and paid out of the Public Treasury of this Commonwealth, to the said *David Pixley*, *Eight pounds*, out of the Specie part of the Tax granted in *March 1786*, appropriated for the payment of the Army employed in quelling the late rebellion, in full for his Service as aforesaid, & expences.

November 22, 1787.

Chapter 123.

RESOLVE IN FAVOR OF THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES, GRANTING THEM £.40 EACH. *Chap.123*

Resolved, That there be allowed and paid out of the public Treasury, to Mr. *Samuel Cooper*, Clerk of the Honorable Senate, and *George Richards Minot*, Esquire ; Clerk of the House of Representatives, *Forty pounds* each, on account of their services the present year.

November 22, 1787.

Chapter 124.

RESOLVE ON THE PETITION OF *JOHN JENNINGS*, IN BEHALF OF *JONATHAN BURR*, DIRECTING THE TREASURER TO RECEIVE THE CONTINENTAL DOLLARS MENTIONED. *Chap.124*

Upon the petition of *John Jennings*, in behalf of *Jonathan Burr*, setting forth that the said *Burr*, was appointed Collector of old Continental Money Taxes, and that he received in part payment of the Said Taxes, *eight hundred & eight Continental Dollars*, which he now has on hand, praying for Reasons set forth in the said Petition, that the Treasurer may be authorized to receive the same.

Resolved, that the prayer of the said Petition be granted, and the Treasurer is hereby ordered and directed to receive the said Continental Dollars, and receipt the same in like way and Manner as heretofore he might or could have done, any Law or Resolution to the contrary notwithstanding.

November 22, 1787.

Chapter 125.

Chap.125 RESOLVE EMPOWERING TWO JUSTICES OF THE COUNTY OF WORCESTER, ONE OF WHOM TO BE THE CLERK OF THE COURT OF GENERAL SESSIONS, TO GRANT LICENCES TO INN-HOLDERS OR RETAILERS, PROVIDED.

Resolved, that two Justices of the Peace within And for the County of Worcester, one of whom to be the Clerk of the Court of the General Sessions of the peace, be, and they hereby are authorized and empowered to grant licence, to any Inn holder or Retailer of Spiritous liquors, in the said County ; provided such Inn holder or Retailer, shall produce to the said Justices a Certificate from the Collector of Excise, of the said County, certifying that they have settled their Excise account with him agreeably to law, and provided also, that the said Inn holders and Retailers shall have complied with the requisitions required by the law, for regulating licenced houses within this Commonwealth.

November 22, 1787.

Chapter 126.

Chap.126 RESOLVE FOR REPEALING A RESOLUTION OF THE 6TH INSTANT, RESPECTING THE Q. M. G. AND REQUIRING HIM TO SETTLE THE ACCOUNTS EXHIBITED FOR AMMUNITION FURNISHED BY ORDER OF GOVERNMENT.

Whereas by a Resolution of the Sixth instant, the Q. Master General, is impowered and directed to settle any Accounts which may be exhibited by the Select Men of any Town or District in this Commonwealth, for Ammunition supplied by order of Government, to any of the Militia in Actual Service, without limitation of time.

It is therefore *Resolved*, that the said Resolution of the Sixth instant, be, and hereby is repealed.

And it is further *Resolved*, That the Quarter Master General, be, and he hereby is required and directed, to settle the Accounts which may be exhibited by the Selectmen of any town or District in this Commonwealth, for the Ammunition furnished by the Orders of Government, since the first day of *July*, One thousand seven Hundred and Eighty Six, to either their or the Militia of any other town or District, rating the several Articles at their current value, in the particular Place they were furnished, and the Quarter Master General is hereby directed to govern himself accordingly.

November 22, 1787.

Chapter 127.*

RESOLVE ON THE PETITION OF *JOHN PATTEN* AND OTHERS, *Chap.127*
 APPOINTING A COMMITTEE OF BOTH HOUSES, TO PROCEED
 TO THE TOWN OF *BOWDOINHAM*, AND VIEW THE PREMISES
 AND REPORT.

On the petition of *John Patten* and others, praying to be disconnected from the Town of *Bowdoinham*, to which at present they belong, and annexed to the Town of *Tops-ham*, for reasons set forth in their petition.

Whereas the parties concerned, have mutually agreed, that a Committee be appointed to proceed to the spot mentioned in the said petition, and view the premises, and report their opinion of the propriety of granting the prayer of the said petition.

Resolved, that *Ezekiel Pattee*, Esqr; and Mr. *David Sylvester* and *Josiah Thacher*, Esq; be a Committee to proceed to *Bowdoinham* aforesaid, and view the premises mentioned by the petitioners, and report to the General Court at their next sitting, whether in the opinion of the said Committee, it may be proper to grant the prayer of the said petition: Provided however, and this resolution is upon this condition, that *Samuel Thompson*, of said *Tops-ham*, Esqr; who acts for the said petitioners, shall pay the said Committee and such agent as may be appointed on the part of the said Town of *Bowdoinham*, a reasonable compensation for their service, and expenditures respectively, while engaged in the business aforesaid.

November 22, 1787.

Chapter 128.

RESOLVE DIRECTING THE SHERIFFS OF THE SEVERAL COUNTIES *Chap.128*
 TO RELEASE FROM CONFINEMENT, ALL COLLECTORS OF
 TAXES, PREVIOUS TO TAX No. 4, AND EXECUTIONS ISSUED
 TO BE RETURNABLE ON THE 15TH OF *JANUARY* NEXT, PRO-
 VIDED.

Resolved, That the Sheriffs of the several Counties within this Commonwealth, be, & they hereby are directed to release from confinement, all such Collectors of Taxes, previous to Tax No. 4, as may be committed to prison, And the Executions issued against such Collectors, and

* Taken from court record.

all other Collectors of the said Taxes, are hereby revived and made returnable on the fifteenth day of *January* next.

Provided always, that no Sheriff shall be obliged to release any Collector of the said Taxes, who may be committed as aforesaid, unless the Treasurer of the Town to which such Collector may belong, shall by direction of the Town, recognize before some Justice of the peace, for the payment of such sum or sums of money, as may be due upon the Executions against such Collector, to the Sheriff, on the said fifteenth day of *January*, Which recognizances and processes thereon, shall be agreeably to a Law, passed the 19th day of *October* 1782, Entitled “an Act providing a speedy method of recovering debts, & for preventing unnecessary costs attending the same,” any law or Resolve, to the contrary notwithstanding.

November 22, 1787.

Chapter 129.

Chap.129 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *KITTERY*, AUTHORIZING THE SELECTMEN OF *READING*, TO REMOVE *TIMOTHY BROWN*, TO THE ALMS HOUSE, IN *BOSTON*.

On the petition of the Selectmen of the Town of *Kittery*, praying that one *Timothy Brown*, a poor person now in the town of *Reading*, but adjudged to be the charge of the said town of *Kittery*, might be received into the Alms house at *Boston*, as one of the State Poor, and that certain expences already arisen to the said *Kittery*, may be refunded by the State.

Resolved, that the prayer of the said petition be granted, & that the Selectmen of said *Reading*, be, & they hereby are authorized to remove the said *Timothy Brown*, to the said Alms house, there to be maintained as one of the State poor.

And it is further *Resolved*, that the expences aforesaid, be allowed to the said Town, as the Committee on accounts shall judge proper.

November 22, 1787.

Chapter 130.

Chap.130 RESOLVE ON THE PETITION OF *PAUL RICHARDSON*.

On the Petition of *Paul Richardson*, praying (for reasons set forth in his Petition) that a certain judgment

recovered against him on the 15th day of *November* instant, by one *Ebenezer Perry*, before *Samuel Barrett*, Esquire a Justice of the peace, within & for the County of *Suffolk*, for the sum of £64. 5.10, be reversed, & the said *Richardson* permitted to dispute the Plaintiff's demand, according to law :

Resolved, that the same judgment be, and it is hereby made null and void, provided the said *Richardson* & others, shall at any time within six days from the passing this Resolve, appear before the said justice (as they are hereby fully authorized & empowered to do) and shall dispute the Plaintiff's demand; and provided also, that he the said *Richardson* & others, shall pay all legal Costs that have hitherto accrued to the Plaintiff, in the prosecution of his suit, and shall notify the said Plaintiff of the time when they shall appear before the said Justice as aforesaid, by leaving at his dwelling-house, three days at least before such appearance, an attested Copy of the said Petition, and this resolve thereon.

And it is further *Resolved*, that upon the said Defendants appearing and disputing the same demand as aforesaid, the action shall be in the same state, and the same proceedings shall be had thereon, as though the said judgment had never been rendered; provided the said *Richardson*, give bond with sufficient sureties, to the said Justice, that he will answer & abide by the final determination of the Court.

November 22, 1787.

Chapter 131.

RESOLVE ON THE PETITION OF *AMOS POTTER*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

Chap.131

On the Petition of *Amos Potter*, praying for a Rehearing in the Action of *Joseph Spear*, against the said *Potter*, who was defaulted :

Resolved, For reasons set forth in the said Petition, that *Amos Potter*, notify *Pool Spear* Executor to the said *Joseph Spear*, who is deceased, by serving him with an attested Copy of his Petition, & this Resolve thereon, fourteen Days at least before the second Wednesday of the next Session of the General Court, to shew cause if any he hath, why the Prayer of the said petition should not be granted, & that execution be stayed in the mean time.

November 22, 1787.

Chapter 132.

- Chap.132** RESOLVE ON THE PETITION OF ISAAC SPRAKE, AUTHORIZING THE JUDGE OF PROBATE TO RECALL HIS DECREE, AND TO RECTIFY THE MISTAKE.

On the petition of *Isaac Sprake*:

Resolved, that the Judge of Probate for the County of *Middlesex*, be, and he is hereby authorized to recall his Decree for the Disposition of the Estate of *Samuel Sparke*,* of *Billerica*, late Deceased, and amend any error made in the same.

November 22, 1787.

Chapter 133.

- Chap.133** RESOLVE ON THE PETITION OF LEMUEL BLANCHARD, DIRECTING HIM TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

On the petition of *Lemuel Blanchard*:

Resolved, that the prayer of his petition be so far granted, as that he be, & hereby is directed, to Notify the adverse party, by serving him with an attested copy of his petition & this Order thereon, twenty days at least before the second wednesday of the next setting of the Gen^l Court, to shew cause (if any he has) why the prayer of said petition should not be granted, & that execution in the mean time be stayed.

November 22, 1787.

Chapter 134.

- Chap.134** RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF PETERSHAM, FOR STAYING CERTAIN WARRANTS.

On the Petition of the Selectmen of the Town of *Petersham*, praying that certain Warrants of distress now in the hands of the Sheriff of *Worcester* county, against the said Town, for Taxes of the Year Seventeen hundred & eighty one, may be Stayed:

Resolved, that for reasons set forth in the said Petition, the prayer thereof be granted, and that the said warrants be stayed until the First day of *June* next.

November 22, 1787.

* This name intended for *Sprake*. See petition of *Isaac Sprake*.

Chapter 135.

RESOLVE ON THE PETITION OF THE TOWN OF *EASTHAM*, DIRECTING THE TREASURER TO STAY ISSUING EXECUTION ON TAX NO. 4 AND 5, UNTIL. Chap.135

On the petition of the Town of *Eastham*, setting forth their inability to pay the whole of the Taxes now due from them, and praying for relief:

Resolved, That there be abated to the Town of *Eastham*, the sum of *Fifty pounds*; and the Treasurer of this Commonwealth, is hereby directed to Credit the said Town in the Tax granted Octo^r 1781, & Tax No. 1, the sum beforementioned.

And it is further *Resolved*, that the Treasurer aforesaid, be, and he is hereby directed, to stay issuing Execution against the said Town, on Tax No. 4 and 5, untill after the next setting of the General Court.

November 22, 1787.

Chapter 136.*

RESOLVE ON THE PETITION OF *PETER BALL*, OF *WALTHAM*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE. Chap.136

On the petition of *Peter Ball*, of *Waltham*, in the County of *Middlesex*, gentleman, praying for a rehearing of a judgment rendered against him at the Court of Common Pleas held at *Boston*, on the first Tuesday of *October*, Anno Domino 1787, at the suit of *Mary Whitwell*, of *Roxbury*, in the County of *Suffolk*, widow:

Resolved, that the petitioner notify the said *Mary Whitwell*, by serving her with an attested copy of his petition, and this order thereon, fourteen days at least before the second wednesday of the next session of the General Court, that she may then shew cause, if any she has, why the prayer of his said petition should not be granted, and that execution be stayed in the mean time.

November 22, 1787.

Chapter 137.

RESOLVE ALLOWING *FRANCIS BURNAM*, ONE OF THE COLLECTORS IN *GEORGETOWN*, IN *LINCOLN* COUNTY, THREE MONTHS, TO SETTLE AND ADJUST HIS ACCOUNTS, AND DIRECTING THE TREASURER TO ISSUE HIS WARRANT TO THE ASSESSORS, TO ASSESS A SUM OF MONEY MENTIONED. Chap.137

Whereas *Francis Burnam*, one of the Collectors of *Georgetown*, in the County of *Lincoln*, hath supplicated

* Taken from court record.

this Court, to grant him relief against sundry executions that have issued against him from the Treasurer's Office of this Commonwealth, one of which is for £53.3.4, on Tax No. 1; another upon tax No. 2, for £130.10.2, and another execution upon tax No. 3, for £301.1.2. And whereas it appears, that the said Collector has probably paid all the moneys justly due from him upon any or all of the said Taxes, excepting the sum of £70.10.2; and it appearing also, that the said Executions have issued consequent upon some mistakes in the Treasurer's Books, particularly for the said sum of £301.1.2, which was never committed to the said Collector: Therefore

Resolved, That the said Collector be, and he is hereby allowed Three Months from the date of this Resolve, to settle and adjust his Accounts with the Treasurer, and to pay up the ballance that is justly due from him, and the Treasurer of the said Commonwealth is hereby directed to govern himself accordingly.

And it is further *Resolved*, that the Treasurer of this Commonwealth, be, and he is hereby directed, to issue his Warrant to the Assessors of the said Town, requiring them to assess upon the Polls and Estates of the Inhabitants of the said Town, the sum of £361.1.2, according to law, as it appears by the said Treasurer's Books, that the said Sum is due from the said Town upon tax No. 3, and has never been assessed by them.

November 22, 1787.

Chapter 138.

Chap.138

RESOLVE ON THE PETITION OF EPHRAIM PATCH.

On the Petition of *Ephraim Patch*, Praying that he may be Allowed the wages due to his Son, *Samuel Patch*, deceased, for Services performed in the late American Army:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Ephraim Patch*, the wages due for the services of his Son *Samuel Patch*, Deceased, in the late American Army, in the Same manner as he would have done had not Said wages heretofore been paid to *William Tucker*, on a forged Order.

November 23, 1787.

Chapter 139.

RESOLVE ON THE PETITION OF JOSEPH HENDERSON, ESQ; *Chap.139*
TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

On the Memorial of *Joseph Henderson*, Esquire Sheriff of the County of *Suffolk*, representing that a certain Mr. *Burroughs* and Mr. *Martin*, have recovered Judgment against him for *Three hundred & three pounds*, when he was confined to his bed by sickness, and praying for a new Trial, and that Execution may be stayed, for reasons mentioned :

Resolved, that the said *Joseph Henderson*, Esqr. be, and hereby is directed to notify the said *Burroughs* and *Martin*, to appear on the second Wednesday of the next sitting of the General Court if they think fit, and shew cause (if any they have) why the prayer of the said Memorial should not be granted, by serving them, or their Attorney, with an attested Copy of his said Memorial with this Resolve thereon, fourteen days at the least previous to the said second Wednesday, and that Execution be, and hereby is stayed in the mean time.

November 23, 1787.

Chapter 140.

ORDER OF THE HOUSE, THAT THE INHABITANTS OF NOR- *Chap.140*
RIDGEWALK, CANAAN, FAIRFIELD AND NYE'S PLANTATION,
IN THE COUNTY OF LINCOLN, TO APPEAR AND SHEW
CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SET-
TING OF THE GENERAL COURT, WHY THE INCORPORATION
OF SAID TOWNS SHOULD NOT TAKE PLACE.

Ordered, That the Inhabitants of *Norridgewalk*, *Canaan*, *Fairfield* and *Nye's* Plantation in the County of *Lincoln*, appear & shew cause (if any they have) on the second Wednesday of the next sitting of the Gen^l Court, why the Incorporation of the Towns by the name of *Norridgewalk*, *Canaan* & *Fairfield*, should not take place, agreeably to a Report of a Committee of both Houses the present Session of the General Court; and that the Secretary be, & he hereby is directed to notify the said Inhabitants, by serving the Clerk of each of the said Plantations with a Copy of this Order and of the Report aforesaid.

November 23, 1787.

Chapter 141.

Chap.141 RESOLVE ON THE PETITION OF *BENJAMIN WHITE*, REFERRING THE CONSIDERATION OF HIS SAID PETITION TO THE THIRD WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT.

On the petition of *Benjamin White*, a Collector of Taxes for the Town of *Hollowell*, for the year 1773, for reasons set forth in his said petition :

Resolved, that the further Consideration of his Said petition be refered to the third wednesday of the next Session of the general Court, and that the Execution issued by the State Treasurer against the Said *Benjamin White*, for taxes Committed to him to Colect the same year, be and hereby is Stayed in the mean time.

November 23, 1787.

Chapter 142.

Chap.142 RESOLVE ON THE MEMORIAL OF *BELINDA*, AN AFRICAN, GRANT TO.

On the Memorial of *Belinda*, an African woman :

Resolved, That there be allowed & paid out of the Treasury of this Commonwealth, to *Belinda*, formerly a Servant to the late *Isaac Royal*, Esquire, an absentee, *fifteen pounds twelve shillings*, being one year's allowance, agreeably to a Resolve passed *Feb^y 19th*, 1783.

November 23, 1787.

Chapter 143.

Chap.143 RESOLVE ON THE PETITION OF *MICAH STONE*, EXECUTOR TO *BEULAH MINOT*, DECEASED, AUTHORIZING HIM TO SELL THE LANDS MENTIONED.

On the petition of *Micah Stone*, Executor of the Last will and testament of *Beulah Minot*, deceased, praying for authority to make sale of certain lands left by the said *Minot*, and Lands received for Debts since her Death, as set forth in the said petition :

Resolved, that the prayer of the said petition be granted, and that the said executor for reasons set forth in his petition be, and he hereby is authorized to dispose of the said lands at private sale, provided the Judge of probate of the County where the said lands are, shall give leave

therefor, otherwise at public sale, notice of which to be given as is prescribed in and by an Act entitled an Act directing the settlement of the Estates of persons deceased, and for the conveyance of real Estate, he the said Executor first giving bonds with sufficient sureties to the satisfaction of the said Judge of probate, to account for the proceeds of the sale thereof according to Law.

November 23, 1787.

Chapter 144.

RESOLVE ON THE PETITION OF *JEDEDIAH HURD*, EMPOWER- Chap.144
ING THE COMMITTEE FOR THE SALE OF ABSENTEES ES-
TATES IN THE COUNTY OF *BERKSHIRE*, TO EXECUTE A
GOOD DEED OF THE LANDS MENTIONED.

On the petition of *Jedediah Hurd*, praying that he may Receive a Deed of a certain tract of land, lying in the Town of *Adams*, formerly the property of *Elisha Jones*, An Absentee, And now the property of this Commonwealth, by Confiscation.

Whereas it Appears to this Court, that *Elisha Jones*, late of *Pittsfield*, in the County of *Berkshire*, An Absentee, Did prior to his leaving the then province of the *Massachusetts Bay*, give a bond to *Jedediah Hurd*, then of *Adams*, in the same county, promising him a Deed of Settling lott number twenty four, And five Acres the east end of lott number twenty Six, in said Town of *Adams*, on certain Conditions, which it appears the Said *Hurd* on his part Did fulfill: Therefore

Resolved, that the Committee for the Sale of absentees estates, in the County of *Berkshire*, Be, and hereby Are empowered and Directed in behalf of this Commonwealth, to execute a quit claim to the Said *Hurd*, of the Said lands, As Described in the bond Aforesaid.

November 23, 1787.

Chapter 145.

RESOLVE ON THE PETITION OF *SAMUEL THOMPSON* AND Chap.145
JOHN MERRELL, DISCHARGING THEM OF AN EXECUTION.

On the Petition of *Samuel Thompson* and *John Merrill*, Esqrs; praying that an Execution issued against them, from the Supreme Judicial Court, holden at *Falmouth*, within the County of *Cumberland*, for the said county of

Cumberland, and the county of *Lincoln*, in favor of this Commonwealth, be made void, for reasons therein mentioned.

Resolved, that the prayer of the said Petition be granted, and that the said *Thompson* and *Merril*, be and that they hereby are discharged from the said Execution, they paying costs, and that the Sheriff of the said county of *Lincoln*, and each of his deputies, as well as all other Sheriffs & their deputies, into whose hands the said Execution may come, govern their conduct with regard thereto accordingly.

November 23, 1787.

Chapter 146.

Chap.146 RESOLVE ON THE PETITION OF *WILLIAM GREENLEAF*, ESQ; AND *JOHN KING*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

On the petition of *William Greenleaf*, Esqr; Sheriff of the County of *Worcester*, & *John King*, his Deputy, praying a new trial upon an action brought against the said *William Greenleaf*, by *James Priest* of *Waltham*.

Resolved, That the Petitioners notify the said *James Priest*, to appear on the second Wednesday of the next sitting of the General Court, to Shew Cause if any he has, why the prayer of the said Petition, should not be granted, by lodging with the said *James*, an attested Copy of their Petition, and this Resolve thereon, at least thirty days previous to the same second Wednesday; and that all proceedings by virtue of any execution, issued on the Judgment mentioned in the said Petition, be in the mean time stayed.

And whereas another Resolve passed the 29th of *October* last, for purposes similar to those mentioned in this Resolve, and upon the foregoing petition, but contained a mistake of names.

It is therefore further *Resolved*, that the said Resolve of *October* the 29th, be, & hereby is repealed.

November 23, 1787.

Chapter 147.

Chap.147 RESOLVE ON THE PETITION OF *BARTHOLOMEW DE GREGOIRE* AND HIS WIFE, APPOINTING *SAMUEL THOMPSON*, ESQ; TO JOIN WITH THE PETITIONERS IN OPENING AND ESTABLISHING THE LINES BETWEEN THE LANDS MENTIONED.

On the petition of *Bartholomew de Gregoire* & *Mary Theresa de Gregoire* his wife, praying that this Court,

would appoint some person or persons to join with them, in opening and establishing the Lines between the lands granted to them by this Court, and the lands belonging to this Commonwealth.

Resolved, that *Samuel Thompson*, Esqr; be appointed to join with the petitioners, in opening and establishing the lines between the Lands beforementioned, he the said *Gregoire*, being at the whole expence which may arise thereby.

November 23, 1787.

Chapter 148.

RESOLVE ON THE PETITION OF *LEVI THAYER*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. Chap.148

On the Petition of *Levi Thayer*, praying that a judgment recovered against him, at the Court of Common Pleas, held at *Worcester*, in & for the County of *Worcester*, on the second Tuesday of *June* 1786, by *Timothy Rawson*, may be set aside, for Reasons mentioned in his petition.

Resolved, that said *Levi Thayer*, notify the said *Timothy Rawson*, by leaving an attested copy of his petition, & this order thereon, fourteen days before the second Wednesday of the Next Session of the General Court, at his last & usual place of abode, to shew cause on said day, why the prayer thereof, should not be granted, and that Execution be stayed in the mean time.

November 23, 1787.

Chapter 149.

RESOLVE ON THE PETITION OF *JOHN FREELAND* AND OTHERS, DIRECTING THE TREASURER TO PAY TO THE TRUSTEES OF *HARVARD-COLLEGE*, THE MONIES DUE TO THEM. Chap.149

On the petition of *John Freeland*, *Isaac Burnap* and *Samuel Haven*, praying that they may be permitted to discharge the execution issued against them, by the Treasurer of this Commonwealth, for No. three & No. four Taxes, in orders & Certificates, as other Collectors are permitted to do :

Resolved, for Reasons set forth in the said petition, that the prayer thereof be granted, and that the Treasurer of this Commonwealth, be, and is hereby directed to receive of the aforesaid Collectors, orders and Certificates in full discharge of the executions aforesaid.

And be it further *resolved*, that upon the receipt of the orders & Certificates as aforesaid, the treasurer be directed to recall his s^d Execution.

And it is further *Resolved*, that the Treasurer of the said Commonwealth, be, and is hereby directed to pay to the Trustees of *Harvard* College, the moneys due to them in consequence of the aforesaid Executions, in the same way and manner as he is directed by a Resolution passed *november* the 14, 1787, any Law or Resolve to the Contrary notwithstanding.

November 23, 1787.

Chapter 150.

Chap.150 RESOLVE DIRECTING THE TREASURER TO PAY ALL ACCOUNTS THAT HAVE BEEN ALLOWED BY THE COMMITTEE ON ACCOUNTS, FOR SERVICES IN SUPPRESSING THE INSURRECTION, OUT OF THE £.3000, APPROPRIATED IN THE RESOLVE OF THE 17TH INSTANT, TO THE PAY OF THE TROOPS AND TO THE EXPENCES OF THE Q. M. GENERAL, AND THE COMMISSARY GENERAL'S DEPARTMENTS.

Resolved, That the Treasurer be, and he hereby is required and directed to pay All Accounts that either have been or shall be allowed by the Committee on Accounts for Services in suppressing the late Insurrection, Out of the *Three thousand pounds* appropriated in the Resolve of the 17th Instant to the Pay of the Troops and to the Expences of the Q. Master and Commissary General's Departments, in like manner as if the said Accounts allowed as aforesaid, had been allowed by either the said Q. M. General or the said Commissary General.

November 23, 1787.

Chapter 151.

Chap.151 RESOLVE ON THE PETITION OF *REBECCA RICHARDSON*, ADMINISTRATRIX ON THE ESTATE OF HER LATE HUSBAND, EMPOWERING HER TO EXECUTE A GOOD DEED OF THE LAND.

On the Petition of *Rebecca Richardson*, Praying that She may be impowered to Give a Deed of a small Peace of Land, for Reasons mentioned in the Said Petition :

Resolved, that *Rebecca Richardson*, in her Capacity as Administratrix on the Estate of her late husband, *Benjamin Richardson*, be, and She is hereby impowered to Make and execute a Good & Sufficient Deed of three Acres of Marsh Lying in the Town of *Malden*, mentioned in her Petition, She observing the Law respecting Executors & Administrators.

November 23, 1787.

Chapter 152.

RESOLVE ON THE PETITION OF *TIMOTHY NEWELL*, DIRECT-
ING THE TREASURER TO GIVE A NOTE FOR THE SUM MEN-
TIONED. Chap.152

On the petition of *Timothy Newell*:

Resolved, That the Treasurer of this Commonwealth be,
and he hereby is directed to give to the said *Timothy
Newell*, a Note for *one hundred & six dollars*, being the
amount of monies advanced for purchasing Ammunition
& Stores for the use of this Commonwealth, & that
the said Note be discharged in like manner with those
given to persons who loaned monies for the purpose of
suppressing the late Rebellion. *November 23, 1787.*

Chapter 153.*

RESOLVE ON THE PETITION OF *JOEL RICE*.

Chap.153

On the petition of *Joel Rice*:

Resolved, that the execution that has issued from the
State Treasury against him as a delinquent Collector,
shall be received and continued in full force until the
fourth Wednesday in *February* next; and the Sheriff of
the County of *Middlesex*, is hereby directed to govern
himself accordingly. *November 23, 1787.*

Chapter 154.

RESOLVE ON THE PETITION OF COL. *HENRY JACKSON*,
DIRECTING THE TREASURER TO PAY THE WARRANTS
POINTED OUT IN SAID RESOLVE. Chap.154

Upon the Petition of *Henry Jackson*, late Lieutenant
Colonel commandant of the Federal Troops raised in this
State:

Whereas Government have engaged that no money shall
be paid from, nor orders issued on that part of the specie
tax No. 5, appropriated for the use of the united States,
until the money borrowed for the use of Government be
repaid, whereby the Treasurer conceives himself restricted
from paying Warrants issued from the Board of Treasury
of the United States, for the purpose of paying the said
Jackson, until the money borrowed as aforesaid, be
repaid: Therefore

* Taken from court record.

Resolved, that the Treasurer of this Commonwealth be, and he hereby is directed to pay the said *Jackson*, the Warrants from the Treasury of the United States as aforesaid, from the first monies he shall receive from the Specie part of Tax No. 5, not already appropriated.

November 23, 1787.

Chapter 155.

Chap.155 RESOLVE DIRECTING THE TREASURER TO RECEIVE FROM THE TREASURER OF *FALMOUTH* AND *PORTLAND*, THE ARMY NOTES AND CERTIFICATES PAYABLE IN TAX No. 4, ALSO THE ARMY NOTES, &c. COLLECTED BY *WILLIAM PORTFIELD*, JUN. DECEASED, AND STAYING EXECUTIONS IN THE MEAN TIME.

Resolved, that the Treasurer of this Commonwealth be, and he is hereby directed to receive from the Treasurer of *Falmouth & Portland*, the army Notes & Certificates payable in Tax No. 4, the sum of *Seven Hundred & thirty three Pounds nine shillings & four pence*, in full for their part of the Tax Granted in 1784, also the army notes, Certificates & Indents collected by *William Portfield*, Junr. deceased, in part for Tax No. 5, any law or resolve to the Contrary notwithstanding.

And it is further *resolved*, that execution be stayed for that part of the Tax No. 5, that remains uncollected, which was committed to the said *Portfield* to Collect, three months from the time limited by law for issuing Executions.

November 23, 1787.

Chapter 156.

Chap.156 ROLL No. 10, ALLOWED BY THE COMMITTEE ON ACCOUNTS; AND RESOLVE THEREON.

The Committee on accounts having examined the Accounts they now present, report that there is due to y^e Towns & Persons hereafter mentioned, the Sums set against their Names, which if allowed will be in full discharge of the said Accounts.

JOSEPH HOSMER, per order.

To <i>Zebediah F. Cooke</i> , for keeping <i>Salmon Phillips</i> , a wounded Soldier, from <i>Feb^y 11</i> , 1787, to <i>Sept. 17th</i> , deducting y ^e Articles mentioned in y ^e account of Credit,	£.12	0	0
To <i>Samuel Laha</i> , keeper of hospital Island, for his Salary & Wood, to y ^e <i>Jan^y 25th</i> , 1787, being four years, Agreeable to Agreement with y ^e Selectmen of <i>Boston</i> ,	90	6	8

To <i>Oliver Prescot</i> , Esqr. for three several Expresses in <i>Nov^r</i> & <i>January</i> last, & in y ^e time of y ^e late Insurrection,	£.3 0 0
To the Honble. <i>Caleb Strong</i> , for his Service & Expences in <i>Oct^r</i> 1784, in viewing the dividing Line between this State & <i>New York</i> , deducting £10. 1.9 rec ^d ,	3 3 3
To y ^e Town of <i>Salem</i> , on account of advances for two of the State's Poor, <i>McHamara & Barnes</i> , from <i>April</i> 1787 to <i>Nov^r</i> 6th,	12 18 6
To y ^e Estate of <i>Thomas Ivers</i> , late Treasurer, for Wood purchased of <i>I. Hatch</i> , in <i>January & Feby.</i> last, & paid by y ^e Executor, for y ^e use of Office,	3 3 0
To <i>Joseph Barrett</i> , for supporting & burying <i>Mary Woodwell</i> , one of y ^e Poor of <i>Charlestown</i> , to y ^e 4th of <i>Sept.</i> 1786, deducting Articles of apparel that were apprizd,	4 0 8
To <i>Stephen Parker</i> , for supplies to Col. <i>John Allen</i> , Superintendant in 1779, & onwards to 1780, being y ^e Ballance of an Account,	49 9 6 $\frac{1}{4}$
To <i>Oliver Phelps</i> , Esqr. as Agent to <i>Joseph Woodruff</i> , & <i>Timothy Spelman</i> , for Services they performed in <i>Jan^y</i> last, in apprehending Persons unfriendly to Government,	2 8 0
Also to <i>Israel Parsons</i> , for y ^e same kind of Services & in y ^e same Account,	2 0 0
To <i>Amasa Clapp</i> , for extra Expences in y ^e month of <i>Feby</i> last in supporting Men, in compliance of Orders from military authority, who were specially called,	3 7 6
To Doct ^r <i>Abijah Cheever</i> , for his care & medicines as Physician to y ^e Poor of y ^e Commonwealth, in y ^e Alms House, from y ^e 15th of <i>May</i> 1786 to y ^e 15th of <i>May</i> 1787,	50 0 0
To <i>James Kettle</i> , for boarding <i>Sarah Cull</i> , in 1786, allowed and ordered to be paid, but not applied for, & Certificate returned,	5 2 0
To Do ^{ct} <i>Edward Dean</i> , for his Medicines & attendance, on account of <i>Benjn. Eddy</i> & family, poor of y ^e State, from <i>Sept^r</i> 5, 1785, to <i>May</i> 18, 1787,	7 16 8
To <i>David Gardner</i> , for supplies to y ^e Indians, in 1779 and 1780,	18 4 8
To <i>William Moore</i> , for Coffins for y ^e Poor of y ^e Commonwealth, certified by y ^e Selectmen of <i>Boston</i> , to <i>Sept^r</i> 28, 1787,	3 18 0
To <i>Elizth</i> <i>Osborne</i> , one of y ^e Poor of <i>Charlestown</i> , for her Board, from <i>June</i> 21, 1787, to <i>Nov^r</i> 13,	9 9 0
To <i>Elizth</i> <i>Leman</i> , another of y ^e Poor of <i>Charlestown</i> , for her Board, from <i>June</i> 21, 1787, to <i>Nov^r</i> 13,	6 6 0
To <i>Joseph Sweetser</i> , for Board, from y ^e 3d of <i>March</i> 1787, to y ^e 10th of <i>Nov^r</i> , another of y ^e Poor of <i>Charlestown</i> ,	14 8 0
To <i>Phineas Upham</i> , for Boarding <i>Lydia & Philadelphia Breed</i> , y ^e Poor of <i>Charlestown</i> , from <i>Feby</i> 25, 1787, to <i>Nov^r</i> 1st,	21 8 0
To an allowance made to y ^e Widow <i>Joanna Manning</i> , one of y ^e above mentioned Poor, from <i>Oct^r</i> 25, 1786, to <i>Aug^t</i> 25, 1787,	11 4 0
To y ^e town of <i>Littleton</i> , as an allowance on account of <i>Elizth</i> <i>Phipps</i> , a <i>Charlestown</i> Pauper, from y ^e 1st of <i>Oct^r</i> 1785, to <i>October</i> 1st, 1787,	5 4 0

To <i>Lydia Boylstone</i> , for Board from y ^e 3d of <i>March</i> , 1787, to y ^e 10th <i>Nov^r</i> ; also one of y ^e Poor of <i>Charlestown</i> ,	£.14	8	0
To <i>Jacob Newell</i> , Innholder, for entertaining y ^e Seamen and Soldiers, that returned from <i>Penobscot</i> , in 1779, having produced sufficient vouchers, ...	42	10	0
Doct ^r <i>Bartlett's</i> Bills, from <i>Dec^r</i> 26th 1786, to <i>Jan^y</i> 18th 1787, for Medicines and Attendance on account of several of the Poor of <i>Charlestown</i> , ...	20	7	4
Doct ^r <i>Sheldon's</i> Bill for Medicines & Attendance in <i>April</i> last, on account of Capt ⁿ . <i>Russell's</i> Company, in y ^e service of Government, ...	1	8	0
Doct ^r <i>Thomas Welsh</i> , for Attendance & Medicines from <i>Nov^r</i> 1st, 1786, to <i>March</i> 11th, 1787, on account of <i>Charlestown</i> Poor, ...	16	0	6
To <i>Thomas B. Wait</i> , Printer, for Printing & Publishing by Order of Government, from 16th of <i>March</i> , 1787, to y ^e 2d of <i>August</i> , ...	26	9	0
To <i>Wilson Chamberlain's</i> Board, allowed to y ^e Selectmen of <i>Holliston</i> , one of the Poor of <i>Charlestown</i> , from y ^e 1st of <i>Feby</i> , 1787, 39 weeks, ...	12	13	6
To the town of <i>Billerica</i> , for boarding <i>Elizabeth Lampson</i> , another of the <i>Charlestown</i> Poor, from y ^e 20th of <i>April</i> , 1787, to y ^e 20th of <i>October</i> , ...	7	16	0
To <i>Joseph Otis</i> , Goaler, for Boarding, Wood, Beds, his own Fees, &c. on account of the State Prisoners, y ^e last Winter & Spring, a large sum being deducted by y ^e Committee as overcharges, ...	61	7	2
To <i>Edmund Bridge</i> , Esqr. for his Services as Sheriff in y ^e County of <i>Lincoln</i> , in <i>July</i> last, deducting what he received, ...	8	13	10
To Hon ^{ble} <i>Cotton Tufts</i> , Esqr. & <i>John Carnes</i> , Esqr. a Committee appointed to sit in y ^e recess in <i>May</i> , 1787, To Mr. <i>Tufts</i> , £2. 1.3 & Mr. <i>Carnes</i> , 26/3 Their Business to prepare a Statement of College Funds and other matters, ...	3	7	6
To <i>Thomas & John Fleet</i> , for printing for y ^e Treasury Office, from <i>March</i> 2d 1787, to <i>July</i> 7th, certified by y ^e Treasurer, ...	72	1	5
To <i>James Swan</i> , Esqr. for his services as Deputy Adjutant General in y ^e first Division of y ^e Militia, in y ^e County of <i>Suffolk</i> , from <i>Nov^r</i> 28th, 1786, to 21st <i>Nov^r</i> , 1787, ...	24	0	0
	£.649 19 8½		

Read and accepted, and thereupon

Resolved, that his Excellency the Governor, with the advice of Council be, & hereby is requested to issue his Warrant on the Treasury for the payment of the several persons borne on this Roll the sums set against their names respectively, amounting in the whole to six hundred and forty nine pounds nineteen shillings and eight pence half penny.

November 23, 1787.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

TOGETHER WITH THE SPEECH AND MESSAGES OF HIS EXCELLENCY THE GOVERNOR TO THE SAID COURT:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE 30TH DAY OF *MAY*, ANNO DOMINI, 1787; AND FROM THENCE CONTINUED BY ADJOURNMENT, TO WEDNESDAY, THE TWENTY-SEVENTH DAY OF *FEBRUARY* FOLLOWING.

1787.—FEBRUARY SESSION.

Chapter 1.

RESOLVE ON THE PETITION OF *ELIAS HASKET DERBY*, PERMITTING HIM TO TAKE CERTAIN GOODS OUT OF THE BARK, *LIGHT HORSE*, AND PUT THEM ON BOARD ANY OTHER VESSEL, &c.

Chap. 1

Upon the petition of *Elias Hasket Derby*, of *Salem* in the County of *Essex*, praying for Licence to take out of the Bark, *Light Horse*, a Quantity of Goods imported in Her by him, and which he intended to export in Her to foreign parts.

Resolved, that the prayer of the said Petition, for Reasons therein set forth, be granted, and Licence is hereby granted to the said *Derby* to take all such goods & Merchandize which were imported in the said Bark, and were reported to the Naval Officer of the Port of *Salem* by the said *Derby* for exportation, and are now on Board her, out of the said Bark, & reship them on Board any other Vessel of the said *Derby's*, & to export them in the said

other Vessel, without being subject to pay any Impost or duty thereon, in as full and free a manner from Duties, as he might have done, had the same been exported in the said Bark, without taking them out of Her; (subject to the inspection of said Naval-Officer) any Law, Usage or Custom, to the contrary notwithstanding.

February 29, 1788.

Chapter 2.

- Chap.* 2 RESOLVE ON THE PETITION OF *ELIPHALET PHELPS*, PERMITTING HIM TO PAY A FINE OF TEN POUNDS IN NOTES.

On petition of *Eliphalet Phelps*, setting forth, that at the Supreme Judicial Court, holden at *Northampton* in and for the County of *Hampshire*, in the Month of *April* 1783, he had been fined in the sum of *Ten pounds*, exclusive of Costs, and praying for leave to pay the said Fine of *Ten pounds*, in Consolidated Notes.

Resolved, for reasons set forth in the said Petition, that the Prayer of the Same, be, and hereby is granted, and that the said *Phelps*, have leave to pay the said fine of *Ten pounds* in any of the Consolidated Notes of this State.

March 4, 1788.

Chapter 3.

- Chap.* 3 RESOLVE ON THE PETITION OF *BENJAMIN RICHARDSON*, IN BEHALF OF THE TOWN OF *STERLING*, EMPOWERING THEM TO CHUSE A COLLECTOR.

On the petition of *Benjamin Richardson*, in behalf of the Town of *Sterling*, praying to be empowered to Chuse a Colector in the Rome of *Silas Fairbank*, one of the Constables for the Town of *Sterling*, for the year 1782, as Set forth in the Said petition.

Resolved, that the prayer of the said petition be granted, & that the Town of *Sterling*, be, and heareby are Authorized & Empowered, to Chuse a Colector in the Rome of *Silas Fairbank*, who was Constable for the said Town of *Sterling*, in y^e year 1782, & the Assessors of the Said Town of *Sterling*, for the time being, are heareby Authorized & directed, to Commit unto the Collector So Chosen, the Rate bills Received of the aforesaid *Silas Fairbank*, & issue their Warrants to Enforce the Collection of all Taxes due on the Said bills.

March 3, 1788.

Chapter 4.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR, FOR REMOV-
ING LT. COL. FARRINGTON. Chap. 4

May it please your Excellency,

It appearing to the General Court, from the memorial of the hon^{ble}. *Benjamin Lincoln*, Esqr. Major General of the first division of the Militia of this Commonwealth, that *Joshua Farrington*, Esqr; Lieutenant Colonel of the Regiment in *Boston*, has absented himself from his duty, & from the Commonwealth, & that there is no probability that he will soon return, and the two houses being of opinion that the publick service requires that the said *Joshua Farrington*, should be removed from the Office aforesaid, in order that some other person may be appointed thereto, are induced in this constitutional manner, to address your Excellency upon the subject, & request that such order may be taken for the removal of the said *Joshua Farrington*, from his said Office, as your Excellency may judge proper.

Read & ordered, That *Benjⁿ Austin*, Jr. Esqr; Mr. *Breck*, and Mr. *Denny*, be a Committee to wait upon his Excellency with the foregoing address. *March 3, 1788.*

Chapter 5.

RESOLVE ON THE PETITION OF *PAUL RAYMOND*, DIRECTING
THE TREASURER TO RENEW THE NOTE MENTIONED. Chap. 5

On the petition of *Paul Raymond*, setting forth that he was possessed of a Consolidated State note, of *eighteen pounds five shillings and six pence*, No. 17071, which note was said to be lost on the first day of *December*, 1783.

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby directed to renew the said note, for the Sum of *Eighteen pounds five shillings and six pence*, to the said *Paul Raymond*, he first giving good and sufficient bond to the Treasurer, to indemnify the Commonwealth, against the demands of all persons, by Virtue of the note said to be lost. *March 3, 1788.*

Chapter 6.

Chap. 6 RESOLVE ON THE PETITION OF *ESTHER FREEBORN*, INDIAN WOMAN.

On the petition of *Esther Freeborn*, an Indian Woman, praying that the trustees for the *Grafton* Indians, may be directed to pay to her the principal of her right of dower.

Resolved, That the Prayer of the said petition, for reasons therein set forth, be granted, and that the Trustees for the *Grafton* Indians, be, and they are hereby Authorized & directed, to pay to *Esther Freeborn*, such part of the Principal of her Right of Dower, as in their Opinion her exigencies may require.

March 4, 1788.

Chapter 7.

Chap. 7 RESOLVE ON THE PETITION OF *EDMUND BRIDGE*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c.

On the Petition of *Edmund Bridge*, Esquire, praying that a Judgment rendered against him, in favour of *Samuel Darbey*, at a Justice's Court, holden before *John Herd Bartlet*, Esq; one of the Justices of the Peace, for the County of *York*, at his dwelling-house in the said County, on the thirtieth day of *July* last, past, may be set aside, for reasons set forth in the said Petition.

Resolved, That the prayer of the said petition, be so far granted, that the petitioner serve the said *Samuel Darbey*, with an attested Copy of the said Petition and of this Resolve, fourteen days at least before the second thursday of the first sitting of the next General Court, then to shew Cause (if any he has) why the prayer of the said Petition, should not be granted, and that execution be stayed in the mean time.

March 4, 1788.

Chapter 8.

Chap. 8 RESOLVE ON THE PETITION OF *MARY CHILD*, *JONATHAN BRIANT*, AND *JAMES BARRET*.

On the Petition of *Mary Child*, *Jonathan Briant*, and *James Barret*.

Resolved, for Reasons set forth in the s^d Petition, that *Mary Child*, Administratrix on the Estate of *Thomas Child*, late of *Portland* in the County of *Cumberland*,

Esqr. Deceased, be, and she is hereby impowered to make and execute a good and Sufficient Deed to *Jonathan Briant & James Barret*, of one Lot of Land Situated in *Portland*, afors^d, Bounded as follows, (*viz.*) Northwesterly on *new street*, So called, Northeasterly on *Fiddle lane*, Southeasterly and Southwesterly on Lots belonging to the estate of *Isaac Winslow*, Deceased, Agreeable to the Engagement of the s^d *Tho^s*, and for which he received the pay, before the Time of his Decease. *March 5, 1788.*

Chapter 9.

RESOLVE ON THE PETITION OF *JOSEPH LOVERING*, DIRECTING THE TREASURER TO RECEIVE THE NOTES MENTIONED.

Chap. 9

On the petition of *Joseph Lovering*, setting forth, that on the first day of *December*, 1781, he received from the Treasurer a consolidated note, No. 2732, payable to him, or bearer, for the sum of *twenty one pounds fourteen shillings & 2d*; And One Other Note of the same date, No. 2734, payable to *Rebecca Lovering*, for the sum of *thirty five pounds four shillings & 8d*, which notes were burnt in his house, in the late fire in *Boston*, as sett forth in his petition.

Resolved, that the Treasurer be, and is hereby directed to issue to the said *Lovering* two Other Notes, of the same date & for the same sums, the said *Lovering* giving bond with sufficient sureties to indemnify and save harmless this Commonwealth.

March 6, 1788.

Chapter 10.

RESOLVE ON THE PETITION OF *THOMAS HILL* AND *ABIEL LOVEJOY*, EMPOWERING *ELIZABETH McNEIL*, OR BY HER ATTORNEY, TO EXECUTE TO THE SAID *ABIEL LOVEJOY*, A DEED OF BARGAIN AND SALE OF THE LANDS MENTIONED.

Chap. 10

On the petition of *Thomas Hill* and *Abiel Lovejoy*:

Whereas it appears to the General Court, that *Archibald McNeil*, formerly of *Boston*, and late of *Quebec*, in the Province of *Quebec*, in his life time, had agreed with *Abiel Lovejoy*, of *Vassalborough*, in the County of *Lincoln*, to sell and convey to the said *Abiel*, a Lot of Land in the said *Vassalborough*, containing about four hundred Acres, being Lot Numbered fifty, on the proprietors plan, made by *Nathan Winslow*, for the sum of *one hundred* and

thirty three pounds six shillings and eight pence, which the said *Lovejoy* paid the said *McNeil* in his life time; but the said *McNeil* having been deprived by Death, of the power of making a Deed, and the said *Lovejoy*, together with *Thomas Hill*, of the said *Boston*, Attorney to *Elizabeth McNeil*, administratrix to the Estate of the said *Archibald McNeil*, having Petitioned the General Court to give aid in the completion of the said Bargain and sale.

Resolved, that the said *Elizabeth McNeil*, Administratrix of the Estate of the said *Archibald McNeil*, by herself, or by such Attorney as hath been or shall be by her appointed, to make Sale of Lands formerly the Estate of the said *Archibald McNeil*, shall be empowered to make and Execute to the said *Abiel Lovejoy* a deed of Bargain and sale of the Lands aforesaid, in fee Simple; and that any Deed thereof made And Executed by the said *Elizabeth*, or her said Attorney, shall be good & effectual in Law, to pass the same, as any deed made by the Said *Archibald McNeil*, in his life time, could have been.

March 7, 1788.

Chapter 11.

Chap. 11 RESOLVE MAKING A GRANT TO *RICHARD DEVENS*, ESQ. FOR HIS SERVICES AS COMMISSARY-GENERAL FROM *JUNE 1st 1785*, TO *1st JUNE*, 1786.

On the petition of *Richard Devens*, praying for a Grant for his Services as Commissary General, from *June* the *1st 1785*, to *June 1st 1786*, for which time No grant has been made him:

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth to *Richard Devens*, Esqr. the Sum of *one hundred & fifty pounds*, in full for his Service as Commissary Gen^l of this Commonwealth, from the *1st of June*, 1785, to the first of *June*, 1786.

March 7, 1788.

Chapter 12.

Chap. 12 RESOLVE ON THE REPRESENTATION OF *JOHN LUCAS*, ESQ. IN BEHALF OF *ELISHA RICE*.

On the Representation of *John Lucas*, Setting forth that the Original Certificates of *Elisha Rice*, a corporal

in the 15th *Massachusetts* regiment, & who was wounded in the Service of the United States, are Mislaidd or lost.

Resolved, That *John Lucas*, Commissary of Pensioners be, & he hereby is Authorized to act on the authintick Copies of the said Certificates, in the same Manner as he would have done on the Originals, had they not ben lost.

March 8, 1788.

Chapter 13.

RESOLVE ON THE PETITION OF *RALPH INMAN*.

Chap. 13

On the petition of *Ralph Inman*, praying that he may be paid for seventeen hundred and nineteen pounds and three quarters of a pound of copper, taken for the use of the State, in the year 1776 :

Resolved, that the Treasurer of this Commonwealth, make out and deliver unto the said *Ralph Inman*, a Note in usual form, for the Sum of *four hundred & thirteen pounds six shillings & two pence*, in full discharge for the said supply.

March 8, 1788.

Chapter 14.

RESOLVE ON THE PETITION OF *EBENEZER KNIGHT, JACOB STEVENS, AND ISAAC KNIGHT*, SETTING THEM OFF TO *ATHOL*.

Chap. 14

On the Petition of *Ebenezer Knight, Jacob Stevens, and Isaac Knight*, in the Town of *Gerry*, Praying that they & their Estates may be annexed to the Town of *Athol*.

Whereas it appears by the Act for incorporating the Town of *Gerry*, that *Ebenezer Knight, & Benjamin Preston*, togeather with their Pols & Estates, Should Continue to belong to the Town of *Athol*, upon Returning their names into the Secretary's office within nine months from the Passing of the said act, signifying their Desire to Continue in said *Athol*, & it further appears that such Returns were sent forward but miscarried.

Resolved, that *Ebenezer Knight, Jacob Stevens, & Isaac Knight*, with their pols & Estates, (their farms being the same which were owned by the above said *Ebenezer Knight, & Benjamin Preston*) be Considered to belong to the said Town of *Athol*, in the same manner & as fully as they would have been, provided a Return of their names & Desires had been entered in the secretary's office, within the time limited in the act for incorporating the Town of *Gerry*.

March 8, 1788.

Chapter 15.

Chap. 15 RESOLVE ON THE PETITION OF *WILLIAM HUDSON BALLARD*.

On the petition of *William Hudson Ballard*, Setting forth that his Health was greatly impaired in the Service of his Country, in the late War, by loosing in a great degree the use of his right hand: That his dwelling house has been lately consumed by Fire, in which his eldest Daughter fell a Sacrifice; That through these and other Misfortunes he is greatly reduced in his Circumstances, and is rendered unable to discharge a debt of *three hundred and fifty four pounds ten shillings and ten pence*, due to this Commonwealth for Taxes, except by the Specie Notes of the same which he received for his Services.

Therefore *Resolved*, That the Sheriff of the County of *Essex* be, and he is hereby empowered and directed to receive of the said *William Hudson Ballard*, the Sum of *three hundred & fifty four pounds ten shillings and ten pence* in the Specie Notes of this Commonwealth, (allowing for the interest thereon,) which he received for his Services in the American Army, in full of the Execution committed to him to collect. And the Treasurer is hereby directed to govern himself accordingly, any Law or Resolve of this Commonwealth to the contrary notwithstanding.

March 8, 1788.

Chapter 16.

Chap. 16 RESOLVE EMPOWERING THE ASSESSORS OF *ATHOL* TO ASSESS ON INHABITANTS OF *GERRY*, *TWENTY POUNDS ONE SHILLING*.

Whereas a County Tax was laid on the Town of Athol, in the County of Worcester, in April last past, of twenty five pounds fourteen shillings and nine pence; and whereas it appears to this Court that the Town of Gerry part of which was set off from the said Town of Athol, since the last valuation, ought to pay a part of the said sum; and whereas it appears by certificates from under the Town Clerk's hands of the said Towns, that the said Towns have mutually agreed that the said Town of Athol, shall pay of the same, the sum of twenty pounds and one shilling, and the said Town of Gerry should pay the sum of five pounds thirteen shillings and nine pence, of said sum: Therefore,

Resolved, that the assessors of the said Town of *Athol* be, and hereby are Authorized and directed, to assess on the Inhabitants of the said Town, the said sum of *twenty pounds & one shilling*, according to the rules and directions contained in the Warrant from the Treasury of the County of *Worcester*, for the assessing the said sum of *twenty five pounds, fourteen shillings & nine pence*, and deliver the assessment with a warrant for Collection, according to the tenor of the said Warrant: & the assessors of the said Town of *Gerry* are likewise hereby Authorized and directed, to assess on the Inhabitants of the said Town of *Gerry*, the sum of *five pounds thirteen shillings & nine pence*, and deliver the same to a Collector with a warrant to collect the same as aforesaid, and to pay the same to the Treasurer of the County of *Worcester*, according to the warrant from the said Treasurer to the Assessors of *Athol*, for the said *twenty five pounds fourteen shillings and nine pence*. And the Treasurer of the County of *Worcester* is hereby Authorized to issue his Execution or Executions against the Collector or Collectors of the said *Athol* and *Gerry*, to whom said assessment shall be committed in case of Neglecting to pay the said sum or sums according to the tenor of his warrant aforesaid to the Assessors of the said *Athol*; and also to issue his Execution against the said Towns of *Athol* and *Gerry*, or either of them, which shall neglect to assess and Commit the said respective sums as aforesaid, and certify the same according to Law, to him, within the space of five weeks from the date hereof.

And it is hereby further Resolved, that the said assessors of the Town of *Athol* are fully discharged from assessing the said *twenty five pounds, fourteen shillings and nine pence*, on the Inhabitants and Estates of the said Town of *Athol*, anything in the said warrant to the Contrary notwithstanding.

March 8, 1788.

Chapter 17.

RESOLVE ON THE PETITION OF OLIVER WITT.

Chap. 17

On the petition of *Oliver Witt*, representing that he has been involved in great difficulties and embarrassments in his advanced age, by reason of his being bound for Doc^t *Samuel Stearns*, and praying for relief, for reasons set forth in said petition :

Resolved, that the prayer thereof be so far granted that the sum of *Twenty nine pounds two shillings & six pence* be, and hereby is remitted to the said *Oliver Witt*, on the bond by him given to the Treasurer of this Commonwealth, and that the said Treasurer, be, and hereby is required & directed to govern himself accordingly.

March 8, 1788.

Chapter 18.

Chap. 18

RESOLVE ON THE PETITION OF *ELIJAH REED*.

On the petition of *Elijah Reed*, a Soldier in Capt. *Amasa Soper's* company, & Col. *Thomas Marshall's* Regiment, praying that he may be paid his wages for Service in the Continental Army, which has been drawn by a forged Order.

Resolved, that the treasurer be, & he hereby is directed to pay the said *Elijah*, the sum of *twenty five pounds four shillings & six pence*, which was drawn by a forged Order, in the same manner as he should have done if the same had not been drawn by fraud as aforesaid.

March 8, 1788.

Chapter 19.

Chap. 19

RESOLVE ON THE PETITION OF *MELISON ELLITHORP*, EMPOWERING HER TO ENTER A CERTAIN ACTION AT THE SUPREME JUDICIAL COURT, NEXT TO BE HOLDEN AT *NORTHAMPTON*.

On the Petition of *Melison Ellithorp*:

Resolved, that the s^d *Melison Ellithorp*, be, and she is hereby Empowered to Enter and Continue at the Supreme Judicial Court, next to be holden at *Northampton*, in the County of *Hampshire*, on the last Tuesday of *April* next, one certain Action or Plea, in which the s^d *Melison* was Original Plaintiff, and *John Foster of Paxton*, in the County of *Worcester*, Clerk, Deft., in which the s^d *Melison* Alledged that the s^d *John* in *Feb.* 1781, promised marriage to her, and after did Marry another Person, Which Action was brot by Appeal to the Supreme Judicial Court, holden at *Springfield*, on the fourth Tuesday of *Sept.* last, and at s^d Court was Discontinued by the s^d *Melison*. And the s^d Court are hereby authorized and Directed, to proceed on the s^d action according to Law and the Rules of the s^d Court, in the Same Manner in all respects, as in

Actions Regularly brot by Appeals & Continued in the s^d Court, and as if the s^d Action had not been Discontinued; the s^d *Melison* serving the s^d *John Foster*, with an Attested copy of this Resolve, fourteen Days at least before the sitting of the s^d Court. *March 10, 1788.*

Chapter 19A.

RESOLVE ON THE APPLICATION OF *HUGH ORR*, ESQ.

Ch. 19A

On the Petition of *Hugh Orr*, Esqr. of *Bridgwater*, Praying that the Treasurer may be Directed to Receive Certain orders Drawn on Collectors & Sheriffs, & In Lieu of them to Grant him orders on y^e Committee, for the Sale of Confiscated Estates in the County of *Bristol*:

Resolved, that the Prayer of the Petition be granted, and That the Treasurer be, and hereby is Directed to Receive Such orders drawn by y^e Treasurer of this Commonwealth, In favour of y^e s^d *Hugh Orr*, Esqr. to the amount of *two hundred pounds*, & Grant him orders on y^e Committee for Sale of Confiscated Estates, in y^e County of *Bristol*, in Lieu of y^e same. *March 10, 1788.*

Chapter 20.

RESOLVE ON THE PETITION OF THE TOWN OF *EASTHAM*, PRAYING FOR ABATEMENT OF TAXES.

Chap. 20

On the Petition of the Town of *Eastham*, in the County of *Barnstable*, setting forth the wretched and distressed Situation of that Town, and praying some abatement of their present Taxes.

Resolved, for reasons set forth in the said Petition, that *Nathan Mitchel*, Esq. *Ebenezer Thayer*, junr. Esquire and Mr. *Josiah Dean*, be a Committee to repair to the said Town of *Eastham*, at the expence of the s^d Town, to consider the premises, and make report at the next Sessions of the General Court, and that in the mean time the Treasurer is directed to suspend all Executions for any Taxes now due from the said Town of *Eastham*, until the Committee aforesaid shall report. *March 10, 1788.*

Chapter 21.

RESOLVE ON THE PETITION OF *DAVID* AND *MERCY GODFREY*.

Chap. 21

On the Petition of *David Godfrey* & *Mercy Godfrey*, Administrators on the estate of *Solomon Godfrey*, late of

Chatham, Deceas^d, seting forth that the said deceas^d in his life time, sold to one *Peter Cole*, about five acres of land, with a Small Dwelling house, Thereon standing, & received one half of the consideration, and promised to convey the said house & land to the said *Peter*, when he should pay the other half of the Consideration, which the said *Peter* now offers to do : Therefore

Resolved, that the prayer of the Petition be granted, and the said *David & Mercy* be, and they hereby are fully authorized and Empowered, in their said capacity, to make and execute (to the said *Peter Cole*) a good and lawful deed of the aforesaid five acres of land, with the Dwelling house thereon standing, the said *Peter* paying to them the remaining part of the sum agreed on, between him and the said Deceased ; the said Administrators first giving bond to the Judge of Probate for the County of *Barnstable*, that the sum they shall receive in Consequence of this resolve, shall be credited to the said Deceased's estate, and disposed of as the law directs.

March 10, 1788.

Chapter 22.

Chap. 22 RESOLVE ON THE PETITION OF *ELIZABETH WITHERBEE*, DIRECTING THE JUDGE OF PROBATE, TO APPOINT SUITABLE PERSONS TO SET OFF HER THIRDS, MENTIONED.

On the Petition of *Elizabeth Witherbee* of *Westminster*, representing to this Court, that whereas she was appointed sole Executrix on the last Will and Testament of her husband, *Nathan Witherbee*, late of s^d *Westminster*, deceased, & it appears that the s^d Will was proved & approved, contrary to the meaning & intention of the s^d *Elizabeth* ; And upon examining into the claims of the several creditors to the Estate, it appears that it is insolvent, & the Will is so constructed, that if it continues & remains in force, that the s^d *Elizabeth* will be deprived of her right of Dower. Therefore

Resolved, that the Judge of Probate for the County of *Worcester*, be, & he hereby is authorized & directed, to appoint suitable persons to set off one third part of the Real Estate of the s^d late *Nathan Witherbee*, deceased, which shall be considered as the Dower of the s^d *Elizabeth*, the affores^d Will & Testament having been proved & approved notwithstanding.

March 10, 1788.

Chapter 23.

RESOLVE ON THE PETITION OF JOSEPH STONE, IN BEHALF OF THE TOWN OF HARVARD. *Chap. 23*

On the Petition of *Joseph Stone*, in behalf of the Town of *Harvard*, praying that *Thaddeus Pollard*, chosen a collector, and charged with the Collection of a Class Tax, might be empowered to compleat the collection of the same, notwithstanding his inability legally to collect it, on account of a mistake in the date of the Warrant for empowering him for that purpose.

Resolved, That the said *Thaddeus Pollard*, be, and is hereby fully authorized & impowered to compleat the collection of the said Class Tax, notwithstanding any error and mistake in the Date of the said Warrant.

March 10, 1788.

Chapter 24.*

RESOLVE ON THE PETITION OF JOSHUA HALL.

Chap. 24

Upon the petition of *Joshua Hall*, head of a class in the Town of *Duxborough*, praying that the present assessors of said Town of *Duxborough* may be empowered to make new bills, adequate to the sum due from the above named class, to the soldier hired by said class in the year 1781.

Resolved, for reasons set forth in said petition, that the prayer of the petition be granted, & the assessors of the Town of *Duxborough*, are hereby authorized & empowered to make such bills as are necessary for the collection of the balance still due from the several members of the above named class.

March 10, 1788.

Chapter 25.

RESOLVE ON THE PETITION OF ELIJAH HOLBROOK.

Chap. 25

On the petition of *Elijah Holbrook*, setting forth that about two year years ago, he bought a farme of one *Ebenezer Greggs*, and that the said *Greggs* about four years ago, Was Bound for his son's appearance at the Supreme Judicial Court, to be holden in the County of *Worcester*, that the bonds Were Called out against the said *Greggs*, and that Execution hath lately issued for

* Taken from court record.

one *Hundred and sixty pounds* Lawful money, Which is more than said farme is Worth, and that he Cannot have any remedy against the said *Greggs*, by Reason of his poverty, and that he finds himself Wholely Ruined, therefore humbly prays that the said bonds be Chancered Down, and that he may be Enabled to hold the Lands purchased of the said *Greggs*, he paying the Costs already arisen.

Resolved, That the prayer of the said *Holbrook*, be Granted, and the Shiriff of the County of *Worcester* and his Deputy, be directed, and they heareby are directed to return the said execution fully satisfied, on the said *Holbrook's* paying the Costs that hath arisen.

March 11, 1788.

Chapter 26.

Chap. 26 RESOLVE ON THE PETITION OF JOSEPH KNIGHTS, REPEALING A RESOLVE OF THE 13TH NOVEMBER LAST, ON THE PETITION OF TIMOTHY CUTLER.

On the petition of *Joseph Knights*:

Resolved, for reasons set forth in the said petition, that the resolution of the General Court of the 13th of *November* last, upon the petition of *Timothy Cutler*, be, and is hereby repealed and declared null and void.

March 14, 1788.

Chapter 27.

Chap. 27 RESOLVE ON THE PETITION OF JOHN TUCKER AND ABIEL WOOD.

Upon the Petition of *John Tucker*, praying that he may be restored to his law in an action defaulted against him before *Thomas Rice*, Esqr. in favor of *Abiel Wood*:

Resolved, that the prayer of the said Petition be granted, and that the said default in the action of *Abiel Wood*, against *John Tucker*, Esq. before *Thomas Rice*, Esq. be taken off, hereby giving to the said *Tucker*, liberty to answer the said suit in the same manner as tho the said action had not been Defaulted; and the said *Thomas Rice*, Esq. be, and he hereby is authorized and directed, after giving fourteen days notice to each Party, to take cognizance of the said action a new, and that the same proceedings be had thereon in all respects, as if the same had been originally brought to the time of the heareing to be as aforesaid, and the attachments duly made by the aforesaid process to hold good for and until thirty days

after the final Judgement upon the aforesaid action, Provided the Petitioner serve the said *Thomas Rice*, Esqr. with an attested copy of this Resolve, on or before the first day of *May* next. *March 14, 1788.*

Chapter 28.

RESOLVE FOR CANCELLING BONDS IN THE IMPOST OFFICES GIVEN PREVIOUS TO 1ST JANUARY, 1767. *Chap. 28*

Whereas there are many Bonds in the Impost Offices which were given to secure the Impost of Goods imported into this Commonwealth before the first day of *January*, 1787, by Citizens of other States, which Goods were afterwards exported to those States where the Owners lived, & as by the late impost Act all Goods in like Circumstances are exempted from impost :

Resolved, that all Bonds given as aforesaid be cancelled, on satisfactory proof being produced to the Collector of Impost, & to the Comptroller General, that the Goods mentioned in such Bonds were *bona fide*, exported out of this Commonwealth, and not relanded therein.

March 14, 1788.

Chapter 29.

RESOLVE ON THE PETITION OF CAPTAIN SAMUEL LANGLEY, GRANTING £.11 17s. 2d. *Chap. 29*

On the petition of Capt. *Samuel Langley*, of *Warwick*, praying that he and his company may receive pay for certain services done, as set forth in the said Petition, for reasons mentioned therein :

Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the Treasury of this Commonwealth to the said *Samuel Langley*, for himself and Company, who did the said service as set forth in the pay roll accompanying the said petition, the sum of *Eleven pounds seventeen shillings and two pence.*

March 14, 1788.

Chapter 30.

RESOLVE IN FAVOR OF GEORGE RICHARDS MINOT, ESQ. SECRETARY, AND MR. KUHN, MESSENGER, TO THE LATE CONVENTION, TOGETHER WITH EDWARD VANNAVER. *Chap. 30*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, unto *George Richards*

Minot, Esquire, the Sum of *Thirty Pounds*, in full for his Services as Secretary to the late Convention of this Commonwealth. To Mr. *Jacob Kuhn*, the Sum of *Ten Pounds ten shillings*, in full for his Services as Messenger to the said Convention, and that they be intitled to the benefits of the Resolve of the 25th of *Oct.* last, providing means for paying the Members of the said Convention for their Services. And also the Sum of *Six Pounds*, to *Edward Vannaver*, in full for his Services as Sexton to the Meeting House, where the Convention met, & twenty Days attendance, he also to be intitled to y^e benefit of y^e above mentioned Resolve.

March 14, 1788.

Chapter 31.

Chap. 31

RESOLVE ON THE PETITION OF WILLIAM BRIGHAM.

On the Petition of *William Brigham*, of *Grafton*, in the County of *Worcester*, Praying that he may have Liberty to pay the Sum of *Sixty Pounds* Recovered Against him before the Supreme Judicial Court at their Sessions in the County of *Worcester*, *April*, A. D. 1785, in damage, In the Consolidated Publick Securities of this Commonwealth, for Reasons set forth in the said Petition :

Resolved, that the Prayer of the Said Petition be Granted, and that the Said *William Brigham*, have Liberty to Pay the Said *Sixty Pounds*, as Recovered In Dammage, in the Consolidated Publick Securities of this Commonwealth, and the Treasurer is hereby Directed to Govern himself Accordingly.

March 14, 1788.

Chapter 32.

Chap. 32

RESOLVE ON THE PETITION OF JOHN TURNER, ESQ.

On the petition of *John Turner*, Esquire, one of the Guardians of the Indians in the County of *Plymouth*, praying to be discharged from that Office :

Resolved, that the said *John Turner*, be, and he hereby is excused from any further service in the said office, and that *Seth Briggs*, of *Pembrook*, be & hereby is appointed a Guardian of the s^d Indians in his room.

March 14, 1788.

Chapter 33.

RESOLVE UPON THE PETITION OF JOHN McCLENCH, AND OTHERS, FOR CEASING THE DUTY OF IMPOST ON ALL CARD-WIRE. Chap. 33

Upon the Petition of *John McClench* & others, praying for a Repeal of the duty of Impost of ten per centum *ad valorem*, on all Card Wire for reasons set forth in the said Petition :

Whereas it appears to this Court that the duty aforesaid operates as a discouragement to the manufacture of Wool & Cotton Cards within this Commonwealth :

Resolved, that from and after the passing this resolve, the duty of Impost on all Card Wire imported into this Commonwealth shall cease, any Law or resolve to the Contrary notwithstanding. March 17, 1788.

Chapter 34.

RESOLVE ON THE PETITION OF JAMES CARGILL, GRANT TO, Chap. 34
IN CASE.

On the Petition of *James Cargil*, of *New Castle*, setting forth the great loss he has sustained by Capturing four Vessels while he Commanded the Eastern Militia Regiment, And praying the General Court to Grant him Relief :

Resolved, for Reasons set forth in the said Petition, that on the Petitioner's paying into the Public Treasury of this Commonwealth, *Two Hundred & Eighty five pounds* New Emission Money, & producing the Treasurer's receipt therefor to the Governor and Council, they be, & are hereby authorized and requested to issue their Warrant on the Treasurer in favour of *James Cargil*, for *three hundred & Eighty seven pounds, 12/*, to be paid out of the first monies that shall come into the treasury not already appropriated, in full compensation for the damage he hath sustained as set forth in his Petition & also in full for the aforesaid sum of *Two hundred & Eighty five pounds* New Emission Money. March 17, 1788.

Chapter 35.*

Chap. 35

[February Session, ch. 35, 1787.]

* Governor's message, see end of volume.

Chapter 36.

Chap. 36

RESOLVE ON THE PETITION OF FRANCIS BRIDGE.

On the Petition of *Francis Bridge*, Setting forth that Judgment has been Rendered Against him on Default By the Honorable *Abel Wilder*, Esqr; for Receiving Excessive Usury, which Judgment Amounts to About *one hundred And twenty pounds*.

Resolved, that for Reasons Set forth in the Said petition, and it appearing that there were mitigating Circumstances in favour of the said petitioner, there be And hereby is remitted to the Said *Francis Bridge*, the Sum of *Sixty pounds*, it being this Commonwealth's proportion of the Judgment aforesaid.

March 17, 1788.

Chapter 37.

Chap. 37

RESOLVE ON THE PETITION OF JOHN TURNER, AUTHORIZING THE GUARDIANS OF THE PLYMOUTH INDIANS TO MAKE SALE OF THE LAND MENTIONED.

On the petition of *John Turner*, late one of the Guardians to the Indians in the County of *plymouth*, praying for the Sale of a part of the lands belonging to the tribe of Indians in the Town of *pembroke*, as Set forth in Said petition.

Resolved, that *Seth Brigs*, *David Kingman* and *John Nelson*, Esqr; Guardians to the *plymouth* Indians, be, and they are hereby authorized and impowered to make sale of all the lands belonging to the Indian tribe in the Town of *pembroke*, in the County of *plymouth*, Excepting twenty acres of land with the house Standing on the Same, for the most it will fetch, and they are hereby authorized and Impowered in the behalf of the Said Indians, to make and Execute a Good Deed or Deeds of the Said lands, and the Said Guardians, are hereby Directed to pay to the Said *John Turner*, Esq; the Sum Due to him from Said Indians, it being *Seventy one pounds fifteen Shillings* and *two pence*, and the remainder if any there bee, put to Interest for the benefit of the Said Indians, and the Said Guardians to be accountable for the Expenditure of the Same, to the General Court of this Commonwealth.

March 17, 1788.

Chapter 38.

RESOLVE ON THE REPRESENTATION OF *AMASA DAVIS*, Q. M. GENERAL, DISCHARGING HIM OF THE SUM MENTIONED, AND DIRECTING TO ADJUST THE ACCOUNTS STILL DUE, AS DIRECTED. Chap. 38

Whereas a Committee of both Houses appointed to examine the Accounts of *Amasa Davis*, Quarter master General, have reported that they have examined the same, and that they find them well vouched & right cast, & that there is a ballance of *three hundred and fifty four pounds sixteen shillings & one penny*, due on the first of *March* 1788, including his Services to that time, from the said Quarter master General, to this Commonwealth, which he has acknowledged.

Resolved, that the said Accounts and Vouchers be lodged in the Secretary's Office, and that the said *Amasa Davis*, Quarter master General, be, and he hereby is discharged from the aforesaid sum of *twelve thousand one hundred & forty five pounds three shillings & eleven pence*, & that he be accountable for the ballance of *three hundred & fifty four pounds sixteen shillings and one penny*, as aforementioned.

Be it further *Resolved*, that the said Quarter master General, continue to settle, adjust & pay the Accounts still due from this Commonwealth, in the same way and manner as he is directed by a Resolve passed the 22^d of *November*, 1787, and exhibit his Account to the General Court, who will make him reasonable allowance for the same.

March 17, 1788.

Chapter 39.

RESOLVE ON THE PETITION OF SELECTMEN OF THE TOWN OF *WASHINGTON*, DIRECTING THE TREASURER TO CREDIT THE COLLECTOR OF THE SAID TOWN, WITH A CERTAIN SUM. Chap. 39

On the Petition of the Selectmen of the Town of *Washington*.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to credit to *Asa Hill*, Collector of the said Town of *Washington*, for the year One Thousand Seven Hundred and Seventy nine, the sum of *Thirty Seven Pounds Sixteen Shillings and four pence*, in full

of the abatement made to the said Town, by a Resolve of the General Court of the fourteenth of *June*, One Thousand Seven Hundred and Eighty. *March 17, 1788.*

Chapter 40.

- Chap. 40* RESOLVE ON THE PETITION OF *JOB WINSLOW*, DIRECTING THE TREASURER TO GIVE AN ORDER ON *JOHN WASTROAT*, FOR THE SUM OF £6.

On the Petition of *Job Winslow*, praying that the Trea^r of this Commonwealth may be directed to issue an order on the specia part of tax no. 5, in Lieu of one which he has lost :

Resolved, for reasons sett forth in said petition, that the prayer thereof be granted, & that the Trea^r of this Commonwealth, be, & he hereby is directed to give an order on *John Wastroat*, in favour of *Jobe Winslow*, for the sum of *six pounds*, on the specia part of tax No. 5, he the said *Job Winslow*, to give bonds with Sufficient Surety to the Trea^r for the same. *March 17, 1788.*

Chapter 41.

- Chap. 41* RESOLVE ON THE PETITION OF *JOHN HILL*, ESQ. GRANT TO.

On y^e Memorial of *John Hill*, Esqr.

Resolved, that there be allowed & paid out of y^e public Treasury to *John Hill*, Esq. *Twenty two pounds four shillings*, in full of his Account exhibited, for running y^e Lines between certain Strips or Gores of unappropriated Lands in the County of *York*, belonging to this Commonwealth & y^e Towns adjoining, as directed by a Resolve of y^e General Court of *Feb^r 28, 1787.* *March 18, 1788.*

Chapter 42.

- Chap. 42* RESOLVE ON THE PETITION OF *TEMPLE DECOSTER*.

On the Petition of *Temple Decoster*, setting forth that he was a Soldier in Col^o *Crane's* Regiment of Artillery for three years, and that in his absence from this Commonwealth, a Person in *January* 4th, 1783, who signed an order in his name in favour of *Catharine Decoster*, and obtained his wages to the amount of *thirty five Pounds seventeen shillings & two pence*, by which means he has

been defrauded of his wages justly due him, & Praying for relief :

Resolved, that the Treasurer be, & he is hereby directed to issue & pay the said *Temple Decoster*, *thirty five Pounds seventeen shillings & two Pence*, in specie Notes, in the same manner as he would have done, had his wages never been drawn.

March 18, 1788.

Chapter 43.

RESOLVE ON THE PETITION OF A NUMBER OF THE INHABITANTS OF THE TOWNS OF *STOUGHTON* AND *SHARON*, REVERSING THE SENTENCES OF A GENERAL COURT MARTIAL, AGAINST CAPT. *JAMES POPE*, AND LIEUT. *LEMUEL CAPEN*.

Chap. 43

On the Petition of a Number of the Inhabitants of the Towns of *Stoughton & Sharon*, Praying that the Sentence of a General Court Martial, holden at *Dorchester*, in the County of *Suffolk*, on the 31st of *December*, 1787, relative to Capt. *James Pope* & Lieut. *Lemuel Capen*, may be reversed. This Court being Sensible of the importance and Absolute Necessity of a Strict Attendance to duty in Military Officers, and the obligation they are under to obey the Orders of Government & their Superior Officers, and fully Satisfied with the proceedings of the said Court Martial, yet considering the happy effect the Lenitive Measures which have been Extended by the General Court the Year past have produced, and that lenity to Capt. *Pope* & Lieut. *Capen*, agreeably to the right which this Court have to extend the same, may be productive of like Beneficial consequences : Therefore,

Resolved, That the part of the Sentence of the said Court Martial against the said *James Pope*, which renders him incapable of holding any Military Commission for Seven years ; and that part of the Sentence of the said Court Martial against the said Lieut. *Lemuel Capen*, which renders him incapable of holding any Military Commission for three Years, be, and Hereby is reversed.

March 18, 1788.

Chapter 44.

RESOLVE ON THE PETITION OF *WILLIAM HOWE*.

On the Petition of *William Howe*, one of the Creditors to the Estate of *Daniel Murray* an Absentee, praying that the Judge of Probate for the County of *Worcester*,

Chap. 44

may be Impowered to direct the Commissioners on the said *Murray's Estate*, to Examine and Allow what may further Appear to be due on the said Petitioner's demand :

Resolved, for Reasons set forth in the said Petition, that the prayer thereof be so far Granted, that the Judge of Probate for the County of *Worcester* be, and he hereby is Authorized and Impowered, to impower the Commissioners to reexamine the Claim of the said petitioner, he paying the whole expence of Such examination.

March 18, 1788.

Chapter 45.

Chap. 45 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE DISTRICT OF *CARLISLE*, IN THE COUNTY OF *MIDDLESEX*, AUTHORIZING THE SELECTMEN TO ASSESS THE INHABITANTS OF THAT PART OF SAID DISTRICT WHICH WAS TAKEN FROM THE TOWN OF *CONCORD*, THAT MAY BE DUE.

On the Petition of the Select Men of the District of *Carlisle*, in the County of *Middlesex*, setting forth that there is now due from that part of the said District which was taken from the Town of *Concord*, the sum of *Twelve pounds* and upwards, to pay their proportion of the Debts of the Town of *Concord*, at the time of the Incorporation of the said District of *Carlisle* :

Resolved, that the prayer of the Petition be granted, and that the Select Men of the Said *Carlisle* be Authorized and directed, to Assess on the Inhabitants of that part of the district of *Carlisle*, which was taken from the Town of *Concord* aforesaid, the whole Sum that may be due, to pay their proportion of the Debts of the Town of *Concord* aforesaid, at the time of the Incorporation of the said District of *Carlisle*.

March 19, 1788.

Chapter 46.

Chap. 46 RESOLVE ON THE PETITION OF *JOHN WHITNEY*.

On the petition of *John Whitney*, of *Westborough*, representing that his wages, amounting to *Forty pounds & three shillings*, have been paid on a forged order, & praying the consideration of this Court :

Resolved, that the Treasurer be, & he hereby is directed to pay out of the Public Treasury to the Said *John Whitney*, or order, the Sum of *Forty pounds & three Shillings*, in public Securities, of the same kind & date, with that

which was drawn on the forged order aforesaid, the wages being drawn as aforesaid notwithstanding.

And it is further *Resolved*, that the Attorney General be, and he hereby is directed to prosecute the person who has fraudulently obtained the said wages, to recover the same to the use of this Commonwealth.

March 19, 1788.

Chapter 47.

RESOLVE ON THE PETITION OF *ELISHA JACKSON*, AGENT FOR THE TOWN OF *GARDNER*, DIRECTING IN ALL FUTURE TAXES, THE SUM OF *THREE FARTHINGS*, TO BE TAKEN FROM THE SAID TOWN OF *GARDNER*, AND SET TO *WINCHENDON*. *Chap. 47*

On the petition of *Elisha Jackson*, Agent for the Town of *Gardner*, setting forth, that certain lands belonging to *William Whitney*, were by an Act passed *March 2, 1787*, sett off from the Town of *Gardner*, and annexed to the Town of *Winchendon*, and that the said lands were in the last valuation accounted to the Town of *Gardner*, and praying relief.

Resolved, that in all future taxes, the Sum of *three farthings*, of *one thousand pounds*, be taken from the Town of *Gardner*, and set to the Town of *Winchendon*.

March 20, 1788.

Chapter 48.

RESOLVE MAKING PROVISION FOR PAYING THE ATTORNEY GENERAL. *Chap. 48*

Whereas by a Resolution bearing Date the 19th day of *November*, last past, provision was made for the payment of the Judges of the Supreme Judicial Court, for the Arrears due to them; and, by mistake, no provision was made for the Arrears then due to the Attorney General.

Resolved, that the same provision be, & hereby is made in favor of the Attorney General, that was made by the said Resolve in favor of the Judges aforesaid; and the Treasurer, is ordered & directed to govern himself accordingly.

March 20, 1788.

Chapter 49.*

Chap. 49

[February Session, ch. 49, 1787.]

* Governor's message, see end of volume.

Chap. 50

Chapter 50.*

[February Session, ch. 50, 1787.]

Chapter 51.

- Chap. 51** RESOLVE ON THE PETITION OF *BENJAMIN FEARING*, EXTENDING THE RESOLVE TO THE FIRST OF *JULY* NEXT, AND DISCHARGING THE TOWN OF *WAREHAM*, THE TAX MENTIONED AT THAT TIME.

On the Petition of *Israel* and *Benjamin Fearing*, selectmen of the Town of *Wareham*, in behalf of the said Town, praying that the Time allowed for the compleating the payment of taxes by a resolve, passed *March 23^d*, 1786, and *March 10th* 1787, may be lengthened out, for reasons mentioned in the said Petition.

Resolved, That the prayer of the said Petition be granted, and that the time limited by the aforesaid resolve, be and hereby is extended to the first day of *July* next, and that the said Town of *Wareham*, discharging the said tax by that time, shall be entitled to the same abatement, as if the same had been paid according to the resolve aforesaid; and the Treasurer is directed to govern himself accordingly.

March 21, 1788.

Chapter 52.

- Chap. 52** RESOLVE ON THE PETITION OF *SETH SMITH*, DIRECTING THE TREASURER TO PAY THE INTEREST DUE ON THE NOTES MENTIONED.

On the petition of *Seth Smith*, Treas^r of the Congregational Parish in *Norton*, Praying that the Treasurer of this Commonwealth, may be directed to receive several Consolidated notes of this Commonwealth, and to Issue one note, Including the whole sum.

Resolved, for reasons set forth in the said petition, that the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed to pay the Interest due on the said notes, and to receive the principal, amounting to *seven hundred & seventy three pounds*, contained in several notes; and to Issue one note, Including the said sum, payable in the same manner as the aforesaid notes.

March 21, 1788.

* Governor's message, see end of volume.

Chapter 53.

RESOLVE ON THE PETITION OF *LEVI THAYER*, REVERSING A JUDGMENT, AND GIVING *TIMOTHY RAWSON* LIBERTY TO ENTER HIS ACTION. Chap. 53

On the Petition of *Levi Thayer*, praying that a Judgment recovered against him, at the Court of Common Pleas, held at *Worcester*, in and for the County of *Worcester*, on the second Tuesday of *June*, 1786, by *Timothy Rawson*, may be set aside, for Reasons mentioned in his said Petition.

Resolved, that the said Judgment, and any Execution, that may have been issued thereon, be, and hereby are reversed, vacated, and made null and void, And that the said *Rawson*, may, if he see cause, reenter his said Action at the next Court of Common Pleas, to be held in and for the said County of *Worcester*; and the same proceedings had thereon, as tho' the said Action, had been regularly continued from term to term, till the said next term of said Court.

March 22, 1788.

Chapter 54.

RESOLVE ON THE PETITION OF *LEVI THAYER*, DECLARING VOID, A JUDGMENT AGAINST HIM, AND GIVING LIBERTY TO *JOHN EAMES*, TO ENTER HIS ACTION. Chap. 54

On the Petition of *Levi Thayer*, praying that a Judgment recovered against him while absent from the Commonwealth, by *John Eames* of *Framingham*, in the County of *Middlesex*, At a Court of Common Pleas, held at *Worcester*, in & for the County of *Worcester*, in *June* term, *one thousand seven hundred and eighty six*, may be set aside, for Reasons mentioned in the said Petition.

Resolved, That the Prayer of the said Petition be granted, and that the said Judgment, and any Execution thereon issued, be and hereby are made and declared null and void; and that the said *Eames*, may, if he see Cause, enter his Action aforesaid, at the next Court of Common Pleas for the said County of *Worcester*; and that the same proceedings shall be had thereon, as if the said Action had been regularly continued from term to term in the said Court, till the said next term of the said Court.

March 22, 1788.

Chapter 55.

Chap. 55 RESOLVE ON THE PETITION OF *EDWARD TYLER*, IN BEHALF OF *ELISHA TYLER*, RENDERING A CERTAIN JUDGMENT VOID, UPON CONDITION.

Upon the Petition of *Edward Tyler*, in behalf of *Elisha Tyler*, praying that a Judgt^r recovered against the said *Elisha*, at a Court of Common Pleas, holden at *Pownalborough* within and for the County of *Lincoln*, on the first Tuesday of *June*, one thousand seven hundred and Eighty seven, by *Samuel Stimson*, for the reasons in the same Petition mentioned, should be set aside.

Resolved, that the prayer of the petition be granted, and that the said Judgment be and hereby is rendered null and void, upon this Condition, and not otherwise; that the said *Elisha* shall reenter the same action at the next Court of Common pleas, to be holden at *Pownalborough*, within and for the County aforesaid, on the first Tuesday in *June* next; and shall then in the said Court, Enter into a rule to refer the same action, with the Cost that has already arisen thereon, to the determination of *Thomas Rice*, Esqr; *David Gilman* and *Jonathan Davis*, or in case either of them should decline or be unable to attend, to the other two, with *Samuel Howard*, and shall attend the said reference at the said *Pownalborough*, during the sitting of the same Court, so as that the report may be made at the same Court, but if the said *Tyler*, should not comply with the said Condition, then the aforementioned Judgment is to be, and abide in full force, and the bail shall, whether the reference is entered into or not, be held good and Valid, but no *Scire Facias* shall be issued against them, until after the said Court, nor shall that part of the Law, providing that *Scire Facias* shall issue against the bail, within one year next after final Judgment, be considered as in force in this case.

March 17, 1788.

Chapter 56.

Chap. 56 RESOLVE ON THE PETITION OF *TIMOTHY GOODELL*, OF *ATHOL*, DECLARING A CERTAIN JUDGMENT TO BE VOID, AND GIVING LIBERTY TO *EBENEZER ROCKWOOD*, TO ENTER HIS ACTION.

On the petition of *Timothy Goodell*, of *Athol*, praying that a Judgment recovered against him by default, in

an action commenced by *Ebenezer Rockwood*, of *Pittstown*, in the State of *New York*, before *Hyram Newell*, Esqr; of the said *Athol*, one of the Justices assigned to keep the Peace, within and for the County of *Worcester*, on the eleventh day of *June*, 1787, on a process of confession, may be set aside; and that the Petitioner may have an opportunity to defend the same, in the same manner as if no such default had happened; For reasons set forth in the said Petition.

Resolved, that the aforesaid Judgment on default be, and the same hereby is declared to be null & void, and the said *Ebenezer Rockwood*, have Liberty to enter his said Action at the Court of Common pleas, next after the 1st day of *April* next, to be holden at *Worcester*, within & for the County of *Worcester*, if he see fit, and the said Petitioner shall be considered in the same situation as if he had appeared before the said Justice and refused to confess or refer the Tresspass or demand of the Plaintiff agreeably to Law, and the said Justice shall certify a Copy of the Proceedings before him at the said *Rockwood's* request, as if the said *Rockwood* had formally notified the petitioner in the presence of the said Justice that the Action would be carried and entered at the said Court of Common pleas, and the said *Newell* shall cause the said *Rockwood*, his agent or attorney, to be served with a Copy of this Resolve, at least fourteen days before the setting of the said Court.

March 22, 1788.

Chapter 57.

RESOLVE ON THE PETITION OF *JOHN HEATH*, DIRECTING THE TREASURER TO DELAY CALLING UPON HIM FOR THE BALANCE DUE, UNTIL FURTHER ORDER.

Chap. 57

Upon the petition of *John Heath*.

Resolved, that for reasons set forth in the said petition, the Treasurer be, and he hereby is directed to delay calling upon *John Heath*, for the balance due from him to this Commonwealth, untill the further order of the General Court.

March 22, 1788.

Chapter 58.

RESOLVE ON THE PETITION OF *SETH WEBBER*.

Chap. 58

On the Petition of *Seth Webber*, sitting forth, that he had his wages drawn by a forged order.

Resolved, that the Treasurer of this Commonwealth, be, and he hereby is Directed to pay and deliver to *Seth Webber*, in full for his services in the Continental Army, as mentioned in his said petition, such notes as he would have been entitled to, had his Wages not been drawn by a forged order.

March 22, 1788.

Chapter 59.

Chap. 59 RESOLVE ON THE PETITION OF *STEPHEN TORREY*, SETTING ASIDE TWO JUDGMENTS, AND DIRECTING THE CLERK OF THE COURT OF COMMON PLEAS, FOR *WORCESTER* COUNTY, TO PLACE SAID ACTIONS ON THE DOCKET OF THE SAID COURT, AND AUTHORIZING THE JUSTICES TO PROCEED IN SAID ACTIONS.

On the Petition of *Stephen Torrey*, Praying that two Judgments rendered against him, at a Court of Common Pleas held at *Worcester*, on the first Tuesday of *December* last, one by *Ebenezer Torrey*, the other by *Ebenezer Torrey*, Junr. and both of *Boston*, in the County of *Suffolk*, may be set aside.

Resolved, for Reasons set forth in the said Petition, that the Prayer thereof be so far granted, that the aforesaid Judgments and all Proceedings in Consequence of the said Judgments, Be set aside, and rendered Null and Void, and that the Clerk of the Court of Common pleas, for the County of *Worcester*, may, and hereby is Directed, to Place the said actions on the Docket of the said Court, at the next Term thereof, to be holden at the said *worcester*, on the Last Tuesday of *march* current, and that the Justices of the said Court, are hereby authorized and Impowered, to proceed in the said actions, as if no Default had been suffered; and that all the Lawful Cost that has arisen on the Said actions, Previous to the Passing this Resolve, be Paid and Discharged By the Defendant.

March 22, 1788.

Chapter 60.

Chap. 60 RESOLVE ON THE PETITION OF *BENJAMIN MOSES*, DECLARING VOID A CERTAIN JUDGMENT, AND EMPOWERING *EDWARD DALTON*, TO ENTER THE ACTION MENTIONED.

Upon the Petition of *Benjamin Moses* of *Salem*, in the County of *Essex*, Mariner, administrator of the Estate of *Eleazer Moses*, late of the Same *Salem*, Mariner, deceased.

Resolved, that the Judgment recovered by default, against the said *Benjamin*, in his said Capacity, before *William Pyncheon*, Esq; on the first day of *October* last, past, in favour of *Edward Dalton*, of *Salem* aforesaid, Mariner, be, and hereby is declared void, and that the said *Edward Dalton*, be, and he is hereby empowered, to enter his said action, against the said *Benjamin*, in his said Capacity, at the next Court of Common Pleas, to be holden at *Ipswich*, within and for the County of *Essex*, on the first Tuesday of *April* next, and to produce all the papers and evidence, filed in the said Case, in the same manner that he might have done, if the said *Benjamin* had appeared before the said *William Pyncheon*, Esq; the said *Edward Dalton*, and the Justices of the said Court of Common Pleas, are hereby empowered, to take cognizance of the same, as if the same came before the said Court, in the ordinary course of Law; and further that the said *Benjamin*, gave Notice to the said *Edward Dalton*, by serving him with an attested Copy of this Resolve, seven days at least, before the first day of *April* next.

March 22, 1788.

Chapter 61.

RESOLVE ON THE PETITION OF *MARGARET SEABURY*, DECLARING VOID, A JUDGMENT RENDERED AGAINST HER, AND IMPOWERING HER TO ENTER HER ACTION AGAINST *EBENEZER KINGSBURY*.

Chap. 61

On the petition of *Margaret Seabury*, praying for a Rehearing of an Action therein mentioned, for reasons alledged in her said petition.

Resolved, that the judgment rendered against *Margaret Seabury*, on the ninth day of *August*, last past, before *Joseph Greenleaf*, Esqr; in favor of *Ebenezer Kingsbury*, and Execution issued thereon, be, and hereby are declared null and void, and that the said action be revived, and the said Justice be empowered to take cognizance thereof, on monday the Second day of *June* next, at ten o'clock in the forenoon, at his dwelling-house in *Boston*, and the said parties may appear before the said Justice, and the same proceedings may be had thereon, as if the said writ had been originally returnable before him on the said second day of *June* next, in the ordinary course of law, and further, that the said *Margaret Seabury* give notice to the said *Ebenezer Kingsbury*, by serving him with an

attested copy of this Resolve, fourteen days at least, before the said Second day of *June* next.

March 22, 1788.

Chapter 62.

Chap. 62 RESOLVE ON THE PETITION OF *ENOCH ADAMS*, EMPOWERING THE COMMITTEE ON UNAPPROPRIATED LANDS IN THE EASTERN COUNTIES, IN THIS CASE.

On the petition of *Enoch Adams*, setting forth, that part of a Township which he, & his associates contracted for, with the Committee on the Subject of unappropriated Lands in the Counties of *Cumberland & Lincoln*, on running the lines of the said Township, part of it is found to be within the County of *York*, and praying that some person or persons may be appointed to complete said contract:

Resolved, that the committee on the Subject of unappropriated lands in the Counties of *Cumberland & Lincoln*, who contracted with *Enoch Adams*, & his Associates, for a Township of Land which now appears to be partly within the County of *York*, be, & they are hereby empowered to complete the said Contract, & to make & execute a deed thereof, in behalf of this Commonwealth, any part of the said Township being within the County of *York*, notwithstanding.

March 24, 1788.

Chapter 63.

Chap. 63 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *PARSONSFIELD*.

On the Petition of the Select Men of the Town of *Parsonsfeld*, setting forth, that the Assessors of the said Town in assessing the inhabitants thereof, to the Tax granted by the General Court, in the year *one thousand seven hundred and Eighty six*, assessed them in an illegal & unwarrantable manner, by means whereof the assessment cannot be collected. Wherefore

Resolved, that the Selectmen or assessors of the Town of *Parsonsfeld*, for the time being, be, and they are hereby impowered and directed to assess the Inhabitants of the said Town of *Parsonsfeld*, the sum of *two hundred pounds five shillings and ten pence*, being their proportion of the Tax granted in the year *one thousand seven hundred*

& *Eighty six*, in the same way and manner, and agreeable to the Rule prescribed in the said Tax Act, and make return of the same into the Treasurer's Office, on or before the first day of *May* next, and the Treasurer is hereby directed to stay his Executions against the Constables or Collectors of the said *Parsonsfield*, until the first day of *August* next. *March 24, 1788.*

Chapter 64.

RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE ON FINANCE, APPOINTED IN THE RECESS OF THE GENERAL COURT. *Chap. 64*

Resolved, that there be allowed and paid out of the publick Treasury of this Commonwealth, to the Committee of Finance, appointed in the last Session of the General Court, to sit in the recess, the sums to their several names respectively annex'd, agreeably to the foregoing schedule, *to wit*, Honourable *Theophilus Parsons*, *Six pounds sixteen shillings & six pence*, Honourable *Samuel A. Otis*, Esqr., *Six pounds six shillings*, *Samuel Lyman*, Esqr. *seven pounds fourteen shillings*, Honourable *Eleazer Brooks*, Esqr. *Five pounds twelve shillings*, Doc^r *Daniel Coney*, *Five pounds twelve shillings*, Captain *Elisha Mitchel*, *Six pounds thirteen shillings*, *Josiah Dean*, Esqr. *Four pounds, eleven shillings*, Major *Samuel Nason*, *Ten pounds*, Honourable *Solomon Freeman*, Esqr. *Six pounds two shillings & six pence*; amounting in the whole, to the sum of *Fifty nine pounds ten shillings*, which sums are in full for their travel and attendance on the Committee aforesaid. *March 24, 1788.*

Chapter 65.

RESOLVE ON THE REPRESENTATION OF *RICHARD DEVENS*, ESQ., COMMISSARY GENERAL, GRANTING £6000. *Chap. 65*

On the Petition of *Richard Devens*, Esqr. Commissary Gener^l, praying for a Warrant on the Treasury, to enable him to execute the duty of his department:

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth, to *Richard Devens*, Esqr. the sum of *Six Thousand pounds*, to be paid out of the back taxes not already appropriated, he to be Accountable for the expenditure thereof. *March 24, 1788.*

Chapter 66.

Chap. 66 RESOLVE ON THE PETITION OF *NATHANIEL BETHUNE*, EMPOWERING THE TREASURER TO MAKE OUT AND DELIVER STATE NOTES FOR A CERTAIN SUM AGAINST *ROBERT AUCHMUTY*, ESQ'S ESTATE.

On the Petition of *Nathaniel Bethune*, and *Mary Bethune*, Executors to the last Will and Testament of *George Bethune*. Dec^d, shewing that *Robert Auchmuty*, Esqr. Late of *Roxbury*, an Absentee, was indebted to the said *George*, in the sum of *thirty seven Pounds Six Shillings and eight pence*, by his Note, dated Aprill 4th, 1769, and praying that their claim may be allowed them out of the proceeds of the said *Auchmuty's* Estate.

And whereas it appears that there is more than sufficient of the proceeds of the Sale of the said *Auchmuty's* Estate, to pay the Debts already allowed against the said Estate, including the said Note, paid into the Treasury of this commonwealth.

Therefore *Resolved*, that the Treasurer of the said commonwealth be, and he is hereby impowered and directed to make out and deliver the said Executors, in behalf of the said Commonwealth, *thirty seven pounds six shilling & eight pence*, in the form of the State consolidated Notes, in full for their claim against the Said Estate: They first giving Bond to the said Treasurer in their said capacity, in the penal sum of Double the sum contained in the said note, with condition, that in Case it Shall hereafter appear that there is more just claims to the said Estate than the whole of it will pay, then, and in that case the said *Nath^l* and *Mary*, shall refund what they shall have recd. more than their proportionable part thereof.

March 24, 1788.

Chapter 67.

Chap. 67 RESOLVE ON THE PETITION OF *NATHANIEL BETHUNE*, AND *MARY BETHUNE*, EMPOWERING THE TREASURER TO MAKE OUT AND DELIVER £226. 13s. 4d. IN CONSOLIDATED NOTES, FOR THEIR CLAIM AGAINST *THOMAS OLIVER'S* ESTATE.

On the Petition of *Nathaniel Bethune* and *Mary Bethune*, Executors to the last Will and Testament of *George Bethune*, Dec^d, shewing that *Thomas Oliver*, Esqr. late of *Cambridge*, an Absentee, was indebted to said

George, in the Sum of *two Hundred & Sixty Pounds thirteen shillings & four pence*, by his Bond, dated the twenty fifth day of *August*, 1774; and praying that their claim may be allowed them out of the proceeds of the said *Oliver's Estate*. And whereas it appears that there is more than sufficient of the proceeds of the sale of the said *Oliver's Estate*, to pay the debts already allowed against the said Estate, including the Said Bond, paid into the Treasury of this Commonwealth.

Therefore *Resolved*, that the Treasurer of the Said Commonwealth be, and he is hereby empowered and directed to make out and deliver the said Executors, in behalf of the said Commonwealth, *two Hundred and Sixty Six pounds thirteen shillings and four Pence*, in the Same form of the State consolidated notes, in full for their claim against the Said Estate, They first giving Bond to the said Treasurer, in their said capacity, in the Penal Sum of double the Sum contained in the said note, with condition, that in case it shall hereafter appear that there is more just Claims to the said Estate than the whole of it will pay, then and in that case, the said *Nathaniel* and *Mary* shall refund what they shall have rec^d, more than their proportionable part thereof.

March 24, 1788.

Chapter 69.*

RESOLVE REPEALING A RESOLVE OF THE FIRST OF MARCH, 1786, RELATIVE TO A CERTAIN ISLAND, LYING WITHIN THE COUNTY OF LINCOLN, CALLED DEER-ISLAND, AND CONFIRMING THE WHOLE OF THE ISLAND, EXCEPTING AS MENTIONED, UNTO JOSEPH TYLER, AND GEORGE TYLER, UPON CERTAIN CONDITIONS. Chap. 69

Whereas by a Resolve of the General Court of this Commonwealth of the twenty first day of *March*, A. D. 1786, a certain Island, lying within the County of *Lincoln*, called *Deer Island*, together with a small Island, lying near the west Shore of the said *Deer Island*, called *Sheep Island*, was granted & confirmed to *Joseph Tyler*, & the other settlers thereon, upon certain conditions in the said Resolve mentioned: And whereas from the large number of Grantees of the said Islands, it has been found inconvenient to execute the measures proposed by the said Resolve, and the conditions of the Grant aforesaid have not

* No chapter 68 printed.

been performed, though the time limited for the performance thereof hath expired, whereby the settlers upon the said Islands are deprived of the benefits intended them by the Government, and the interests of the Commonwealth are retarded: It is therefore

Resolved, that the said Resolve, be, and it is hereby repealed, and that the whole of the Islands aforesaid, excepting as hereafter mentioned, be, & hereby are granted and confirmed, unto *Joseph Tyler* and *George Tyler*, resident on *Deer Island* aforesaid, and unto their Heirs and assigns forever, upon the following conditions, *Viz.* That the said *Joseph* and *George*, lay out and appropriate unto all persons who settled on either of the Islands aforesaid, and made a Seperate improvement by erecting a Dwelling House, and residing before the first day of *January, A. D. 1784*, Their heirs or assigns, one hundred acres each, to hold in Severalty, and so laid out as to include their respective improvements, As a Compensation for Settlement, excepting to the heirs or assigns of *Nathaniel Kent*, who in consideration of his extraordinary expences in promoting the Settlement of the Said Islands, shall be intitled to hold and enjoy forever, a certain Tract conveyed to him by *Jonathan Greenlaw* and others, which lands so to be appropriated as aforesaid, are hereby granted and confirmed unto the said settlers, and to their Heirs and assigns forever, on condition that they pay unto the said *Joseph* and *George*, or to their Heirs or assigns, the Sum of *Thirty Shillings* for each lot, to be appropriated as aforesaid, within Twelve months from the date hereof, for the Survey and other charges, And in case it shall be found, in laying out the Lands to be appropriated to the Settlers as aforementioned, that there shall not be Sufficient land containing improvements for every Settler to take the quantity aforesaid, without interfering with land, previously occupied by some other person, any settler in such case shall be intitled to receive the whole, or any part of his proportion elsewhere.

And the present grant to the said *Joseph* and *George*, is upon the further condition, that they, their Heirs or assigns, appropriate three hundred Acres of Land, for the use of the Ministry, and three hundred acres for the use of a Grammar School; & that they pay into the Treasury of this Commonwealth, within fifteen Months from the passing of this Resolve, the Sum of *One hundred* and

Sixty three pounds, in Specie, and the further sum of *Two hundred and Sixty five pounds*, in consolidated Securities of this Commonwealth, within Three months from the passing of this Resolve.

The said *Deer Island*, and *Sheep Island*, granted as aforesaid, are bounded as follows, *Viz.* Northeasterly, on *Eggamogan Reach*, which separates *Deer Island* from Township No. IV, lying between *Penobscot River*, and *Union River*, beginning at *Hardy's Point*, at the northend of the said Island, from thence running southeasterly by several head lands to *Campbell's Point*, from thence southwesterly, to the Northwest point of *Campbell's Island*, thence by the westerly and southwest shore of *Campbell's Island*, to the South extreme of the same, from thence easterly, passing on the Southerly side of *Island B*, as marked on a plan taken by *Rufus Putnam*, Esqr; in the year 1785, to the northeast point of *Stinson's Neck*, from thence Southerly, touching the extreme headlands of *Stinson's Neck*, to the most southerly point thereof, from thence Southwesterly to the east point of *Babbridge's Neck*, from thence southerly to the southwest point of *Deer Island*, from thence Southwesterly & westerly, touching the extreme head Lands of *Deer Island*, to a point thereof, opposite *Crotch Island*, by *Deer Island* thoroughfare, from thence northwesterly, to the west point of *Deer Island*, near Southwest harbour, from thence northerly, touching the west extreme of *Sheep Island*, to *Donham's Point* or ragged head, from thence Northeasterly, touching the East extreme of *Carnne Island*, to *Hardy Point* aforesaid, which description includes *Deer Island*, proper, *Greenlaw Neck*, *Stinson's Neck*, *Babbridge's Neck*, and *Sheep Island*, which lies near the west shore of *Deer Island*.

March 24, 1788.

Chapter 70.

RESOLVE ON THE PETITION OF JOSEPH TRUMBELL, GRANT TO. *Chap. 70*

On the petition of *Joseph Trumbell*.

Resolved, for reasons set forth in the said Petition, that there be allowed & paid out of the Treasury of this Commonwealth, to *Joseph Trumbell*, (living on a Goar of Land in the County of *Worcester*, not belonging to any Town) the sum of *fifteen pounds*, in full compensation for his

Cost and trouble, in Doctoring & nursing his son, who was taken sick in the army, in the year 1776.

March 24, 1788.

Chapter 71.

Chap. 71 RESOLVE ON THE PETITION OF *JOHN CRAWFORD*, GRANT TO.

On the Petition of *John Crawford*, a non commissioned officer in Capt. *Holloway Taylors* Company of Cavalry in Col^o. *Crafts* Reg^t, Praying for Compensation for the Loss of his Horse, in the Service of the Commonwealth :

Resolved, that there be allowed & paid out of the treasury of this Commonwealth to the said *John Crawford*, the sum of *Eleven Pounds*, in full Compensation for the Loss of his Horse, as set forth in his Petition, to be paid out of the specie part of Tax number five.

March 24, 1788.

Chapter 72.

Chap. 72 RESOLVE RESPECTING *NEW-BEDFORD*, REGULATING FUTURE TAXES.

Whereas the town of *West Port*, and the town of *New Bedford*, have been severally sett off from the town of *Dartmouth*, since the last Valuation was made, and no regulation is provided for proportioning of future taxes :

Resolved, That in all Taxes hereafter to be laid, the said Towns of *West Port* and *New Bedford*, and the Town of *Dartmouth*, shall be assessed the same proportionate sums which they would have been severally assessed, as parts of the Town of *Dartmouth*, before the said Towns of *West Port* and *New Bedford*, were sett off as afore-said : And the Assessors of each Town, are hereby empowered and directed to assess the Same accordingly.

March 24, 1788.

Chapter 73.

Chap. 73 RESOLVE ON THE PETITION OF *JOHN ALLAN*, LATE SUPERINTENDENT OF INDIAN AFFAIRS, DIRECTING THE COMMITTEE FOR AUDITING ACCOUNTS, TO CREDIT THE ACCOUNTS OF THE SAID *ALLEN*, AND DIRECTING THE COMMISSARY-GENERAL TO SETTLE HIS RATION ACCOUNT.

On the Petition of *John Allan*, late Superintendent of Indian affairs for the United States, in the Eastern part of this State, Setting forth that several accounts are now

due to him for Expenditures in his department, to the Amount of *One hundred and seventy six pounds nineteen shillings and two pence*, omitted through mistake in his late settlement, and that part of his Ration Account yet remains unsettled.

It is therefore *Resolved*, that the Committee for Auditing public Accounts be, and they hereby are directed to audit the Accounts of the Said *Allan*, and certify such part as appears to be well vouched, and to charge the same to the United States; and the Commissary General is also directed to settle the Ration Account of the said *Allan*, and charge the same to the United States.

March 24, 1788.

Chapter 74.

RESOLVE MAKING ESTABLISHMENT FOR THE MEMBERS OF THE GENERAL COURT. *Chap. 74*

Resolved, That there be allowed and paid to the members of the Honourable Council, *Eight shillings* for each day's attendance; to the members of the Honourable Senate, *Seven Shillings & Six pence*, and to the members of the House of Representatives, *Seven shillings*, for each day's attendance the present Session of the General Court, and the same pay for travel that has been usually allowed.

It is further *Resolved*, That there shall be paid out of the public Treasury to the Hon^{ble} *Samuel Adams*, Esqr. President of the Senate, and to the Honourable *James Warren*, Esqr. Speaker of y^e House of Representatives, each, the Sum of *six shillings* per Day, for every Day's attendance on the General Court the present Session, over and above their respective Pay as members thereof.

March 24, 1788.

Chapter 75.

RESOLVE DIRECTING THE INHABITANTS OF THAT PART OF THE COUNTY OF LINCOLN, WHICH LIES ON PENOBSCOT RIVER, TO SHEW CAUSE, WHY MOUNT DESERT AND OTHER ISLANDS, SHOULD NOT BE SET OFF AS A SEPARATE COUNTY; AND THE SECRETARY IS DIRECTED IN THIS CASE. *Chap. 75*

Whereas the Inhabitants of that part of the County of *Lincoln*, which lies on *Penobscot* River, & to the Eastward thereof, labour under many Inconveniences by reason of

their great Distance from the places where the Court of Judicature are held; & it will be expedient that the same be set off as a separate County or Counties, as soon as the incorporation of a sufficient number of plantations shall have taken place :

Ordered, that the proprietors & settlers of the following townships & plantations, *Viz. Mount Desert, Deer Island, Fox Islands, Gouldsbrough*, Townships No. 1 & 2, lying East of *Union River*; Townships No. 7 and No. 6, lying upon *Union River*; Townships No. 5 & No. 4, upon *Blue Hill Bay*; Townships No. 1 and No. 2, both on the East side of *Penobscot River*; Township No. 1, of *Kenduskeeg*; Township No. 1, or *Sowerdabscook*, & the Township of *Frankfort*, all on the West of *Penobscot River*, & the Township of *Cambden*, on *Penobscot bay*, be, & they are hereby directed to appear, if they see fit, on the 2^d Wednesday of the first Sessions of the next General Court, to shew cause, if any they have, why their respective Townships should not be incorporated.

And it is further *Ordered*, that the Secretary be, & he is hereby directed to cause the foregoing order to be published three weeks successively in the *Boston independent Chronicle*, & *Portland News Paper*.

March 24, 1788.

Chapter 76.

Chap. 76 RESOLVE EMPOWERING THE COMMITTEE ON THE SALE OF LANDS IN THE COUNTIES OF CUMBERLAND AND LINCOLN, TO PROCURE A ROAD FROM PENOBSCOT RIVER, TO THE RIVER SCOODUCK.

Whereas a Road from *Penobscot River*, to the River *Scooduck*, will expedite the settlement of, & be productive of many Advantages to, that Tract of Country situated between the said Rivers :

Resolved, that the Committee on the Sale of Lands, in the Counties of *Cumberland & Lincoln*, be, & they are hereby empowered & directed to procure a Road, to be surveyed & cleared from *Penobscot River*, to the River *Scooduck*, beginning at the Township No. One, on *Penobscot River*, thence running as near as may be, an East Course through part of No. 2, No. 6, & No. 7, to the middle of the Township No. 8, & through the middle of Townships No. 8, No. 9, No. 10, No. 11, No. 12, & No.

13; thence through the Township No. 23, to *Machias*; thence through No. 13, No. 10, No. 2, & No. 1, to *Scooduck* River: Provided, however, that where the said road may pass through lands which are private property, the charge of clearing shall be defrayed by the owners of the said lands, and the expence shall not exceed one sixth part of the lands belonging to the Commonwealth in Townships through which the road may pass.

March 24, 1788.

Chapter 77.

RESOLVE ON THE PETITION OF *TIMOTHY NEWELL*, ALLOWING £.100 IN CONSOLIDATED NOTES, AND SUSPENDING THE EXECUTION FOR THE SPACE OF ONE MONTH.

Chap. 77

On the petition of *Timothy Newell*, Praying for an Abatement of Some part of the Taxes Committed to him to Collect for the Years 1781 & 1782, for the Reasons Set forth in the said petition:

Resolved, that the Prayer of the said petition be so far granted, that the petitioner be allowed to pay into the Public Treasury of this Commonwealth, the sum of *One Hundred pounds* in consolidated Notes of the said Commonwealth, and that the Execution against him be Suspended for the Space of One Month from the passing of this Resolve; and the Treasurer is hereby directed to Govern himself accordingly.

March 24, 1788.

Chapter 78.

RESOLVE FOR BORROWING MONEY TO PAY THE GOVERNOR, COUNCIL, SENATE, HOUSE OF REPRESENTATIVES, &c. AND DIRECTING THE TREASURER IN THIS CASE.

Chap. 78

Resolved, that the Treasurer of this Commonwealth be, and he hereby is impowered and directed to borrow on the Credit of the first monies which shall be received into the Treasury upon the Tax this Session voted to be laid, assessed and collected, the sum of *thirteen thousand five hundred and sixty seven pounds sixteen shillings and four pence*, to be appropriated in the Following manner, *Viz.* To His Excellency the Governor, *three hundred and Ten pounds*; To The members of the Honorable Council, *four hundred & ninety three pounds seven shillings and eleven pence*; to the members of the Honorable

Senate, *seven hundred and seventy seven pounds and three pence*; To the Members of the Honorable House of Representatives, *four thousand six hundred and fifty three pounds seventeen shillings and ten pence*; To the Members of the State Convention, *three thousand and four pounds four shillings*; To the Members of the Federal Convention, *five hundred Pounds*; To the Judges of the Supreme Judicial Court, *five hundred Pounds*; to the Committee of Finance, *sixty pounds*; To the Members of Congress, *five hundred pounds*; to The Printers to the General Court, *one thousand pounds*; To the Clerks in the Secretary's Office, *four hundred and Eighty seven pounds two shillings*; to the Clerks in the Treasurer's Office, *six hundred pounds*; To the Clerks of the Committee for Auditing Accounts, *three hundred & ninety four pounds two shillings and Eight pence*; To the Messenger of the Governor & Council, *one hundred and seventy eight pounds one shilling and eight pence*; and to the Messenger of the General Court, *one hundred and ten pounds*.

And whereas the Treasurer has borrowed upon the Credit of the Balance due on the specie part of Tax, No. 5, a considerable Sum for the use of this Commonwealth: and whereas there is but little prospect of refunding the same, out of the monies arising from the said Tax, it being nearly anticipated by Orders.

And whereas the Creditors of the Commonwealth, for the said Sum, have agreed to wave their Security on the specie part of the said Tax, upon other Funds being appropriated for payment thereof:

Resolved, that the Monies borrowed upon the Credit of the specie part of the said Tax; and also the Debt due Monsr. *Penet de Costa, & Co*, Merchants in *France*, amounting to *sixteen thousand, two hundred & eighty four pounds, thirteen shillings & four pence*, shall be repaid and refunded out of the first monies arising from the Tax, voted to be laid this Session, after paying and reimbursing the several Sums, which shall be borrowed in pursuance of the above Resolution.

And be it further *Resolved*, that after paying off, and refunding the monies which shall be borrowed upon the Credit of the aforesaid first mentioned tax, and also the monies which have been borrowed Upon the Credit of the specie part of the said No. 5 Tax, that then the next monies arising from the said first mentioned Tax, shall be

appropriated, as the General Court shall hereafter order ; and the Treasurer is directed to govern himself accordingly.

March 25, 1788.

Chapter 79.

RESOLVE ON THE PETITION OF *LEMUEL COFFIN*, OF *NEWBURY PORT*, GRANT TO. Chap. 79

On the petition of *Lemuel Coffin*, of *Newbury Port*.

Whereas it appears to have been certified on the 19th June, 1780, that there was then due to the s^d *Coffin*, the sum of *two thousand & sixty pounds, one shilling & ten pence*, old currency, & a warrant was granted for the same on the same day :

And also whereas on the 19th July, 1783, it was certified that there was due to the same *Lemuel Coffin*, the sum of *seven pounds eleven shillings & six pence*, as a balance of pay for his service, as a soldier in y^e light Dragoons, under Lieut. Col. *Washington* ; & that a warrant for the same, was issued on the 18th day of *August*, 1783, both of which warrants aforesaid, have been lost or mislaid in the Secretary's office.

Resolved, That his Excellency the Governor, be, & He hereby is requested, by and with Advice of Council, to issue another warrant on the Treasurer of this Commonwealth, in favor of the said *Lemuel Coffin*, for the aforesaid sum of *two thousand & sixty pounds one shilling and ten pence*, old Currency, in lieu of the warrant first mentioned, and another warrant for the Sum of *seven pounds eleven shillings & six pence*, for his pay for Service as a Soldier in the light Dragoons, and that the said warrants shall be in full of the demands of the said *Lemuel Coffin*, for his Services aforementioned.

Resolved, that the warrants first drawn for the said Sums, be, & they are hereby declared null & void, and the Treasurer is directed to govern himself accordingly.

March 25, 1788.

Chapter 80.

RESOLVE ON THE SUBJECT OF UNAPPROPRIATED LANDS IN THE COUNTIES OF *CUMBERLAND* AND *LINCOLN*. Chap. 80

Resolved, that a Committee be appointed to examine and adjust the accounts of the Committee on the subject of

unappropriated Lands in the Counties of *Cumberland & Lincoln*, to the time of the passing of this Resolve :

And Whereas it is necessary that further Powers should be given to the Committee on the Subject of unappropriated lands in the Counties of *Cumberland & Lincoln* :

Resolved, that *John Read*, Esquire and Doctor *Daniel Coney*, be joyned to the said Committee, which Committee, are also hereby appointed a Committee on the subject of the unappropriated Lands, belonging to this Commonwealth, in the County of *York*, for the same purposes, and with like powers, as have by the several Resolves of the General Court, been assigned to the said Committee for the Counties of *Cumberland & Lincoln*, and their Commission shall extend to each and every of the said Counties : and that the said Committee be, and they are hereby directed to complete a plan or plans, as soon as may be, of all the located Lands in the Counties aforesaid, agreeable to a Resolve of the General Court, of *November* the fifth, 1784, and as far as practicable to mark out the unlocated Lands, in the aforesaid Counties, into Townships or Plats of six Miles square, as near as may be, and where they shall think it to be for the Interest of this Commonwealth, the said six Miles square into Lotts.

Resolved, that there be reserved in each Township, Four lotts of three hundred & Twenty Acres each, for public uses, *vizt.*—One for the first settled minister ; one for the use of the ministry ; one for the use of schools, and one for the future Appropriation of the General Court ; the said Lots to average in goodness & situation with the Lands in such Township, and to be designated in such way and manner, as the said Committee shall judge proper.

Resolved, That there be, and hereby is appropriated to the building and supporting a public seminary of Learning, upon such conditions as the Legislature may hereafter direct, a Tract of Land six miles square, to be laid out to the northward of *Waldo's Patent*, and nearly central between the Two Rivers *Kennebeck* and *Penobscot*, as good a Tract of Land for that purpose, as may be found there, the same to be surveyed under the direction of the said Committee, and report thereof made to the General Court.

Resolved, that any of the Lands belonging to this Commonwealth, in the Counties aforesaid, may be sold to any foreigner or Foreigners, who shall contract to settle thereon, within three years from the purchase, one or more families

to each mile square of Land; and any Foreigner having resided for the space of Two years on such land, may on application to the Legislature, be entitled to an Act of naturalization, he producing a certificate from any two Justices of the Peace, of the same County, or from the Selectmen of the Town nearest to such Land, or from three respectable inhabitants of the same County, that such Foreigner has, in their opinion, behaved himself, during that time, as a good member of Society, and is a proper Candidate for Naturalization.

Resolved, that each settler who settled on any Lands belonging to this Commonwealth, before the first day of *January*, 1784, (and who has not already been confirmed in his settlements), & who shall pay the said Committee, for the use of this Commonwealth, before the first day of *June*, 1789, *Five Spanish milled Dollars*, shall be entitled to a Deed of one hundred Acres of Land, the same to be surveyed and laid out so as to include his improvements, and be least injurious to the adjoining land; such survey to be under the direction of the said Committee and at the expence of such settler.

Resolved, That the Committee aforesaid, or the major part of them, be, and they are hereby authorized and directed, to sell the aforesaid unappropriated Lands in any of the said Counties, for the Consolidated notes of this State, or otherwise in Specie, and in such quantities, and on such Terms as they shall judge most for the Interest of the Commonwealth, any Resolve to the contrary notwithstanding, and the said Committee, or the major part of them, are further authorized, to appoint such Agents in the Counties aforesaid, as they may Judge necessary, to expedite the Sale of the said Lands; and the said Committee shall be allowed *Two per Cent.* in the same sort of pay as shall by them be received for Lands they may sell as aforesaid, in full compensation for their services in the said Business, & that of the Agents which they may appoint; The expence of Surveying, to be borne by the State, and all the Lands the said Committee shall sell as aforesaid, shall be exempt from Taxes, for the space of Ten years.

Resolved, That where a minute description of the quality, and circumstances of any of the said Lands cannot be ascertained without a greater Expence, than would probably compensate the profits that may arise therefrom, in

such case, the said Committee may dispose of the same, any Resolve to the Contrary notwithstanding.

March 26, 1788.

Chapter 81.

Chap. 81 RESOLVE ON THE PETITION OF *WILLIAM ROGERS*, AUTHORIZING HIM TO MAKE SALE OF THE REAL ESTATE MENTIONED.

On the Petition of *William Rogers*, praying for liberty to sell a certain tract of Land mentioned in said Petition :

Resolved, that the prayer of the petition be granted, & the said *William Rogers*, be, and he is hereby authorized and empowered to make Sale of the real estate mentioned in his said Petition, for the most the same will fetch, and make and execute a good and lawful deed or Deeds, to the purchaser or purchasers thereof, he first giving sufficient security to the Judge of Probate, for the County of *Hampshire*, to pay one third part of the monies arising from the Sale thereof, to his Daughter *Silence*, who is already married, and the other two third parts thereof to his son, *John*, who is a minor, with the interest arising thereon, when he shall arrive to the age of twenty one years.

March 26, 1788.

Chapter 82.

Chap. 82 RESOLVE ON THE PETITION OF *LEVI THAYER*, DECLARING NULL AND VOID A CERTAIN JUDGMENT AND ANY EXECUTION ISSUED, AND GIVING HIM LIBERTY TO ENTER HIS ACTION AT THE NEXT COURT OF COMMON PLEAS, FOR THE COUNTY OF *WORCESTER*.

On the Petition of *Levi Thayer*, praying that a Judgment recovered against him, by *David Thayer*, at a Court of Common Pleas held at *Worcester*, on the last tuesday of *March*, One thousand seven hundred and eighty six, may be set aside, for reasons mentioned in the said Petition.

Resolved, that the prayer of the said Petition be granted, and that the said Judgment and any Execution issued thereon, and all proceedings on any such Execution be, and hereby are declared & made Null and Void, and that the said *David Thayer*, may enter his Action on which the said Judgment was founded, at the next Court of Common Pleas for the said County of *Worcester*, and that any Attachment made on the said Action be held good

and valid, and that the same proceedings shall be had thereon, as tho the said Action had been regularly continued in the said Court to the said next term.

March 26, 1788.

Chapter 83.

RESOLVE DIRECTING THE TREASURER NOT TO ISSUE ANY PAPER SECURITY ON TAX No. 6, PASSED THIS SESSION. *Chap. 83*

Whereas by a Resolve passed the General Court, the 21st instant, the Treasurer of this Commonwealth is directed to borrow on the Credit of the Tax granted the present Session, the sum of *thirteen thousand five hundred and sixty seven pounds sixteen shillings and four pence* and whereas it is of the utmost importance, that no order, Certificate, due Bill, or any other paper security, should be given by, or in the name of the Treasurer, on account of the said Tax, whereby unrighteous advantages may be taken of necessitous and ignorant persons.

Resolved, that the Treasurer of this Commonwealth, be, and he hereby is directed, not to give out, or permit to be given out of the Treasury office, on account of the said Tax, any order, Certificate, due Bill, or other paper security, except for specie really paid, on account of the said Tax, either on loan or on collection thereof.

And it is further *Resolved*, that any and every order, certificate, due Bill or other paper security, issued from the Treasury, on account of the said Tax, other than for specie, actually paid in as aforesaid, shall be null & void.

March 27, 1788.

Chapter 84.

RESOLVE ON THE PETITION OF JOHN ALLAN, CONFIRMING A TOWNSHIP No. TWELVE, SO CALLED, IN THE BAY OF PAS-SAMAQUODY, ON CERTAIN CONDITIONS. *Chap. 84*

On the petition of *John Allan*, Esqr.

Resolved, for Reasons set forth in the said Petition, that Township No. Twelve, so called, in the Bay of *Pas-samaquody*, Be, and is hereby granted & confirmed unto the said *John Allan*, His Heirs & assigns for ever, upon the following conditions, that the said *John Allan*, Lay out and appropriate unto *Lewis Fred^e Delesdernier*, One thousand Acres, *James Avery*, *William Alby* and *John*

Preble, Five Hundred Acres each, *Elijah Ayer*, Two Hundred Acres, *Josiah Flag*, *Samuel Runnells* and *Gideon Delesdernier*, One Hundred and fifty Acres each, *Joseph Delleway*, Doctor *Edwards*, *Davis Bryan*, *Bartholomey Bryan*, *John Bryan*, *Jonathan Nyles*, *Josiah Libby* and *Thomas Harvey*, One hundred Acres Each: also the said *Allan*, to pay the sum of *three hundred pounds*, on or before the first day of *March*, which will be in the year of Our Lord One thousand seven hundred & ninety five, And that the Committee for the sale of the Eastern Lands, deliver a Deed accordingly, saving always, that any Quantity of the aforesaid Lands, not exceeding six thousand Acres, be reserved for those persons that may be already settled on the same, they paying severally their Parts of the sum of *three hundred pounds* aforesaid, in proportion as they shall receive of the six thousand Acres aforesaid, saving also, there shall be reserved four hundred Acres, for the use of the ministry, to be laid out near the centre, and four hundred acres for the support of a School, in the said Town.

March 27, 1788.

Chapter 85.

Chap. 85

RESOLVE ON THE PETITION OF *CHARLES GOODRICH*, ESQ.
APPOINTING A COMMITTEE OF THE GENERAL COURT, TO
EXAMINE THE CONDITIONS OF THE GRANT MENTIONED.

On the Petition of *Charles Goodrich*, Esqr. Setting forth, that by the line lately established between this Commonwealth, and the State of *New York*, he has lost a considerable quantity of Land, formerly Granted to him, (and others, under whom he claims) by the late Province of *Massachusetts Bay*, and praying for compensation therefore.

Whereas it appears that some of the lands Granted to the Petitioner, by the late Province of *Massachusetts Bay*, was Granted on certain conditions, in Case the Government line should interfere: Therefore

Resolved, that *Thompson J. Skinner*, Esqr. *Elijah Williams*, Esqr. and Mr. *Henry Badger*, be a Committee to examine the conditions of the said Grants, view the Premises, and report to the General Court, on the third Wednesday of their next Sessions, what sum they shall Judge reasonable to be allowed to *Charles Goodrich*, Esquire for the loss he has sustained, by the establish-

ment of the line aforesaid, the said *Goodrich* paying the charges of the said Committee. *March 28, 1788.*

Chapter 86.

RESOLVE ON THE MEMORIAL OF *JOHN FESSENDEN*, IN BEHALF OF *ISAAC THOMPSON*, A COLLECTOR FROM *PRINCETON*, GRANT TO. *Chap. 86*

On the Memorial of *John Fessenden*, in behalf of *Isaac Thompson*, a Collector for *Princeton*, in the County of *Worcester*.

Resolved, that there be allowed & paid out of the Public Treasury of this Commonwealth, unto the said *Isaac Thompson*, the sum of *six pounds three shillings and two pence*, the same being for Taxes, on the Estates of *Timothy Ruggles*, and *Elisha Jones*, Esquires, absentees, which could not be collected. *March 28, 1788.*

Chapter 87.

RESOLVE ON THE PETITION OF *JOHN MURRAY*, INDEMNIFYING HIM FROM ALL PENALTIES INCURRED ON ACCOUNT OF HIS HAVING SOLEMNIZED ANY MARRIAGES. *Chap. 87*

Whereas *John Murray*, and others, have represented to this Court, that the said *Murray*, esteeming himself legally qualified, had solemnized certain marriages, and that by a decision had in the Supreme Judicial Court, it was determined that the said *Murray* had no such Authority, praying that he may be indemnified :

Resolved, that the said *John Murray*, be, & he hereby is indemnified from all the pains and penalties which he may have incurred, on account of having solemnized any Marriages as aforesaid, for which there has not been any prosecution commenced or had And the said *Murray* may upon trial, for any of the Offences aforesaid, give this resolution in evidence upon the general Issue, which shall have the same operation as if specially pleaded.

March 27, 1788.

Chapter 88.

RESOLVE ON THE PETITION OF *BENJAMIN PEABODY*.

Chap. 88

Upon the petition of *Benjamin Peabody*, administrator of the estates of *Elijah Wilkins*, and *Mary Wilkins*:

Resolved, that the said *Benjamin*, be, and he is hereby

fully Authorized and impowered to sell at Publick Vendue, all the real Estates of the said *Elijah Wilkins*, & *Mary Wilkins*, and good & sufficient deeds thereof, to make & execute, he the said *Benjamin* complying in other respects with the Laws, relating to the sale of real Estates by Administrators, and giving bond previous to such sale, with sureties, to the Judge of Probate, of *Essex* county, for the faithful discharge of his trust, and to be accountable to the said Judge of Probate, for the proceeds thereof according to Law.

March 27, 1788.

Chapter 89.

Chap. 89 RESOLVE DIRECTING THE TREASURER TO RECEIVE OF THE COLLECTORS OF TAXES THE SUMS DUE FROM THEM IN DISCHARGE OF ANY TAX, WITHOUT OBLIGING THEM TO TAKE AN OATH.

Whereas unnecessary embarrassments arise, from the nature of the oaths which the collectors of taxes are obliged to take :

Therefore *Resolved*, that the Treasurer of this Commonwealth, and the Sheriffs of the several Counties, be, and they are hereby ordered and directed to receive of the collectors of taxes, the sums respectively due from them in discharge of any tax now laid and assessed upon the citizens of this Commonwealth, without obliging them to take any oath or oaths heretofore administered, any law or resolution to the contrary notwithstanding.

March 27, 1788.

Chapter 90.

Chap. 90 RESOLVE ESTABLISHING THE PAY OF THE DELEGATES, WHO ATTENDED THE LATE CONVENTION, AT *PHILADELPHIA*.

Whereas it appears to this Court, that the delegates from this State, who have lately attended the Convention at *Philadelphia*, for the purpose of revising the federal Constitution, of these United States, have been exposed to uncommon expences, from the peculiar nature of that service.

It is therefore *Resolved*, that the sum of *Thirty shillings* a day, be payed from the treasury of this Commonwealth, to each of those gentlemen, who have been engaged in this business.

March 28, 1788.

Chapter 91.

RESOLVE DIRECTING THE DELEGATES IN CONGRESS, TO PROCURE A COPY OF THE PLAN OF THE LATE COMMISSIONERS, APPOINTED TO RUN THE LINE BETWEEN THIS COMMONWEALTH AND THE STATE OF *NEW-YORK*, EAST OF *HUDSON'S* RIVER, AND TO FORWARD THE SAME, TO THE SECRETARY'S OFFICE, AND ALLOWING THEM PAY FOR ANY EXPENCE THEY SHALL BE AT. Chap. 91

Resolved, That the Delegates representing this State in Congress, be & hereby are directed, to procure a copy of the plan, agreeably to the field book of the late commissioners, appointed to run the line between this Commonwealth, and the State of *New York*, east of *Hudson's* river, and that they forward the same, to the Secretary of this State, and that the said Copy be filed in his office; and that the copy of the said commissioners report, and the entry upon the journals of Congress, respecting the same, be also filed in the said office.

And it is further *Resolved*, that there be allowed and paid out of the public Treasury of this Commonwealth, to the delegates representing this State in Congress, upon their application for the same, such sum or sums of money as may be necessary for procuring the said plan, and his Excellency the Governor, with advice of the council, is hereby requested to issue his warrant on the Treasurer accordingly. March 28, 1788.

Chapter 92.

RESOLVE ON THE GOVERNOR'S MESSAGE OF THE 17TH OF MARCH INSTANT, REQUESTING THE GOVERNOR TO APPOINT SOME SUITABLE PERSON, TO REPAIR TO *PENOBSCOT* RIVER, UPON THE RETURN OF THE *INDIANS*, AND INSTRUCTING THE COMMISSIONER THAT SHALL BE APPOINTED. Chap. 92

Whereas the General Court at their sessions, in *July* 1786, appointed Commissioners, to “treat with the *Penobscot* tribe of Indians, respecting their claims to land on *Penobscot* river.” The Commissioners attended the services assigned them, met the Indians, & came to a Solemn agreement with them, respecting the Lands afore-said, reported their doings to his Excellency the Governor, which were approved by the General Court, and a Commissioner was appointed to carry into execution, the Treaty on the part of this Commonwealth.—When he

arrived in *Penobscot* river, with the Articles to be delivered to the Indians, they were on their fall hunt, and were not likely to return, till the beginning of the Winter, this prevented his compleating the business, and made it necessary for him to store the Goods and leave instructions for the delivery of them, upon the return of the Tribe, and take their quit claim, according to the Tenor of the agreement, for reasons unknown to the State, the Goods have not been received nor the quit claim given.

And whereas it appears, that the said Tribe of indians, are greatly dissatisfied from the loss of one of their men, said to have been murdered by one of the White inhabitants, who had been on a hunt with some of them; and that the supposed Criminal has not been punished; and it being of importance to this Commonwealth, and to the peace and happiness of our new settlements, that the indians be convinced that they may at all times, depend upon the most perfect Justice from this State :

Resolved, that his Excellency the governor, with the advice of Council, be, and he hereby is requested to appoint some suitable person, to repair to *penobscot* River, upon the return of the Indians from their spring hunt, and take into his possession the blankets, and the several Articles of public property, designed for the Indians, now in the hands of Mr. *John Lee*, of Township No. 3, on that river, & proceed with them, to some place where it shall be most convenient to meet the indians, & for them to receive the goods, state to them the agreement made with them by the Commissioners, tender to them the articles promised by government, & urge a compliance with the Terms of agreement on their part.

Resolved, that the Commissioner, which may be appointed as aforesaid, be instructed to assure the said tribe of the friendly disposition of this Commonwealth, towards them, that they are considered as our brethren, that we are made exceedingly unhappy, by the melancholly event which took place the last spring, that the State will give every assistance in its power, to bring the Criminals to Justice: That we will aid the Tribe in their prosecution, and that we will find them provisions, and some proper person to attend them with provisions, and every thing necessary, to enable the relations of the deceased, to attend the Trial, at the next Supreme Court, to be holden in *pownalborough*.

Whereas great complaints have been made by the *Penobscot* Tribe of Indians, as will appear by the commissioners' report, *September* 1786, that they have been defrauded by a person residing among them, as their priest, and whereas it is of importance, to attend to all the Just complaints of the said Tribe :

Be it *Resolved*, that the Commissioner, which may be appointed as aforesaid, be instructed to enquire into the nature and grounds of the complaint, and if thereon he shall find it supported, to take such legal measures respecting it, as shall in the most certain and speedy way, do justice to the complainants.

Resolved, that his Excellency the Governor, with the advice of Council, issue a Warrant, on the Treasurer, in favour of the Commissioner, (he to be accountable for the expenditure of the same) the sum of not more than *fifty Pounds*, to enable him to execute his Commission, and to support the Indians, in bringing forward their process, against the supposed delinquents. *March 28, 1788.*

Chapter 93.

RESOLVE DIRECTING THE TREASURER, TO DRAW ORDERS IN FAVOUR OF THE MEMBERS AND OTHERS. *Chap. 93*

Whereas it appears, that many Members of this Court, did not receive Orders on Collectors for their Pay, agreeably to a Resolve of *July 6, 1787.*

Resolved, That the Treasurer of this Commonwealth, be, & he is hereby directed to pay in Orders, on the Specie part of the Tax, granted in the year One Thousand seven hundred & Eighty six, to such members of this General Court, as may chuse to receive the same, for their travel & attendance the last *May* Session, any Law or Resolve to the Contrary notwithstanding.

And be it further *Resolved*, That if any Member of this Court, shall chuse to receive orders as aforesaid, for his pay & Travel, the last & present session, the Treasurer be, and he is hereby directed to draw them accordingly.

And Whereas by a Resolve, of this present session, the Treasurer is directed to borrow *Thirteen Thousand five hundred & sixty seven pounds 16/4*, for the paying off arrearages to the present General Court, & other purposes :

Resolved, That this Court's proportion of any monies,

which may be so borrowed, be equally apportioned to the payment of the Members of the Court, for their Travel and attendance, the last & present session.

And it is further *Resolved*, that if any member of the late Convention of this Commonwealth, shall chuse to receive orders as aforesaid, the Treasurer be, and he is hereby authorized & directed to draw them accordingly.

And whereas an appropriation was made, to discharge the respective Rolls of the Officers & Soldiers of the late army, employed in the service of this Commonwealth, and the Quartermaster & Commissary's department, out of the Specie part of Tax No. 5, which appears to be insufficient for that purpose: Therefore

Resolved, that the Treasurer be, and he hereby is directed, to issue Orders on any Collectors of the Tax, Granted in *March* 1786, who may not have settled their Collections with the Treasurer, in favour of such Officers & Soldiers, whose Rolls have not been discharged, out of the former appropriation, and to such persons as have demands on the Quartermaster and Commissary's department, Any Law or Resolve to the Contrary notwithstanding.

March 28, 1788.

Chapter 94.

Chap. 94 RESOLVE ON THE PETITION OF *BENJAMIN JOSLYN*, DIRECTING THE TREASURER TO STAY ANY FURTHER EXECUTION AGAINST THE TOWN OF *NEW BRAINTREE*.

On the Petition of *Benjamin Joslyn*, in behalf of the Town of *New Braintree*, praying that further Execution on the tax of the said Town, for the year 1783, may be stayed.

Resolved, for Reasons set forth in the Petition, that the Treasurer be, and he is hereby directed, to stay any further Execution, against the said Town, for the Tax of the year 1783, for the space of Six Months.

March 28, 1788.

Chapter 95.

Chap. 95 RESOLVE ON THE PETITION OF *CALEB HYDE*, ESQ. ABATING THE TOWN OF *LENOX*, A CERTAIN SUM.

On the Petition of *Caleb Hyde*, Esqr. praying for the abatement of a fine, laid on the Town of *Lenox*, for the Deficiency of one man, Required by a Resolve of the second

of *December*, 1780: for Reasons set forth in the said Petition,

Resolved, that there be abated to the Town of *Lenox*, the sum of *fifty pounds*, out of the sum which is assessed on the said Town, for a Deficiency of one three years man, Required by a Resolution of the General Court, passed the 2^d of *December* 1780; & the Treasurer is hereby directed to Govern himself accordingly.

March 28, 1788.

Chapter 96.

RESOLVE APPOINTING THE COMMITTEE FOR AUDITING PUBLIC ACCOUNTS, TO EXAMINE THE ACCOUNTS OF THE COMMITTEE ON EASTERN LANDS.

Chap. 96

Resolved, That the Committee for auditing of public Accounts, be a Committee for examining and adjusting the Accounts of the Committee on the Subject of unappropriated Lands, to the 26th Instant, not before adjusted.

March 28, 1788.

Chapter 97.

RESOLVE ON THE PETITION OF *FISHER AMES*, ESQ.

Chap. 97

On the petition of *Fisher Ames*, Esqr. in behalf of *Hannah Metcalf*, praying that the benefits of a Resolve of this Court, passed the fifth day of *November* last, may be extended to her, for reasons mentioned in the said petition,

Resolved, that the prayer of the said petition be granted, and that the Judgment mentioned therein, which was rendered by the Court of Common Pleas, holden at *Boston*, within and for the County of *Suffolk*, on the first Tuesday of *July* last, in favour of one *Giles Goddard*, be, and the same is hereby annulled and reversed; and the writ of *Habere Facias Possessionem*, which issued thereon, and all proceedings in pursuance thereof, are hereby rendered null and void; and the Clerk of the said Court of Common Pleas is hereby directed to carry forward the said Action, for the next *July* term, of the said Court, in the same manner, as if the action had been regularly continued from the first Tuesday of *January* last, and had not then been dismissed. And the said *Hannah Metcalf*, shall be admitted a party to take upon her, with the said

Ebenezer Goddard, the Defence of the said Suit, and thereupon the same proceedings shall be had (except as is herein after Resolved). And said Court of Common Pleas, and the Supreme Judicial Court, in case the same shall be carried there, shall have cognizance thereof in like manner as if the same cause had not been defaulted and dismissed, as mentioned in the said petition, and the said *Hannah* had been an original Defendant with the said *Ebenezer Goddard*.

And whereas the said *Giles Goddard* hath taken possession of the premises as aforesaid, and it was the true intent of the said Resolve of the fifth day of *November* last, upon the said *Hannah Metcalf's* petition, that she should be restored to her possession of the premises, in case the said *Giles Goddard*, should fail in his action aforesaid :

Therefore Be it *Resolved*, that in case the said *Giles Goddard*, shall not prosecute his said Action, or shall not prevail therein, the said Court of Common Pleas, and the Supreme Judicial Court, where the said Cause may be carried, are hereby respectively required and directed, to render Judgment in favour of the said Defendants, for their possession and Costs of Suit, and to award the writ of *Habere Facias Possessionem* accordingly, in like manner, as if the said *Hannah Metcalf* and *Ebenezer Goddard* had demanded the same by the writ aforesaid, *provided* the said *Hannah Metcalf*, serve the clerk of the said Court of Common Pleas, and the said *Giles Goddard*, respectively, with an attested copy of this Resolve, fourteen days at least, before the first Tuesday of *July* next.

March 28, 1788.

Chapter 98.

Chap. 98 RESOLVE ON THE PETITION OF *JOHN JENKS*, DECLARING NULL AND VOID A JUDGMENT RECOVERED AGAINST HIM UPON CONDITION.

On the Petition of *John Jenks*, praying for the rehearing of a cause in which Judgment was recovered against him by default, at the Supreme Judicial Court, holden at *Great Barrington*, within & for the County of *Berkshire*, on the third Tuesday of *March* last, in favour of *Samuel Miller*, of *Adams*, in the said County of *Berkshire*.

Resolved, for reasons sett forth in his said Petition, that the aforesaid Judgment, and the execution thereon, be, and hereby is declared null & void, upon this condition, that if the said *John Jenks*, shall enter the said action at the Supreme Judicial Court, next to be holden at *Lenox*, within and for the County of *Berkshire*, on the first Tuesday of *October* next, and notify the said *Samuel Miller*, by serving him with an attested copy of this Resolve, Twenty days at the least, before the setting of the said Court; then, and in that case, the same proceedings shall be had in the said Action, as if the same had been brought to said Court, by appeal from the Court of Common Pleas.

March 28, 1788.

Chapter 99.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *DARTMOUTH*, ALLOWING THE SHERIFF OF THE COUNTY OF *BRISTOL*, TO RETURN THE EXECUTIONS IN HIS HANDS AGAINST *CHRISTOPHER ALMY*, COLLECTOR, IN PART SATISFIED.

Chap. 99

On the petition of the Selectmen of the Town of *Dartmouth*:

Resolved, for reasons set forth in the said petition, that the Sheriff of the County of *Bristol*, be allowed to return the Executions in his hands against *Christopher Almy*, Collector for the Town of *Dartmouth*, in part satisfied; any resolution to the contrary notwithstanding; and the Treasurer of this Commonwealth, is hereby directed, not to issue Alias Executions against the said *Christopher Almy*, until the last day of *May* next.

March 28, 1788.

Chapter 100.

RESOLVE DIRECTING THE TREASURER TO DISCHARGE WARRANTS DRAWN IN FAVOUR OF PERSONS WHOSE ACCOUNTS HAVE BEEN EXAMINED AND ALLOWED BY THE GENERAL COURT, OUT OF THE TAX, No. 5.

Chap. 100

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to discharge the Warrants which are, or may be Drawn in favour of Persons whose Accounts have been or may be examined by the Committee on Accounts, and allowed by the General Court, out of the Specie part of the Tax Granted in *March*, one thousand seven hundred & Eighty Six.

March 28, 1788.

Chapter 101.

Chap.101 RESOLVE ON THE PETITION OF THE COMMITTEES OF THE TOWNS OF *DORCHESTER, STOUGHTON AND SHARON.*

On the Petition of the Committees of the Towns of *Dorchester, Stoughton & Sharon:*

Resolved, for reasons set forth in the s^d Petition, that the said Towns of *Dorchester Stoughton & Sharon*, be, and they hereby are impowered, to sell for the most the same will fetch, a certain Tract of Land lying in *Dedham*, known by the name of *Dorchester School Farm*, or any part or parcel thereof; to divide the proceeds thereof, between the s^d Towns according to their respective proportions, and are hereby directed, to lodge the Proceeds or Bonds so divided, with the Treasurers of the said Towns, the annual Interest whereof shall be applied by the Select Men of the said Towns to the support of Schools, agreeably to the original Intentions and Designs of the grantors of the said Land. *March 28, 1788.*

Chapter 102.

Chap.102 RESOLVE GRANTING A BOUNTY UPON HEMP, AND OTHER ARTICLES RAISED, &c. WITHIN THIS STATE.

Whereas it is necessary to give some further encouragement to the growth of Hemp within this Commonwealth:

Be it therefore *Resolved*, that there be granted and paid out of the public Treasury of this Commonwealth, a Bounty of *six shillings*, in addition to the bounty already granted, for every gross hundred weight of good merchantable Hemp, that shall be raised and manufactured, or Sold for the purpose of being manufactured within this Commonwealth, by any Citizen of the same, from the first of *April* next, under the same provisions & Restrictions, as contained in a Resolve passed the 8th of *November*, 1786, granting a Bounty on Hemp, raised in this Commonwealth, and the Surveyor of hemp, or Rope maker, shall ascertain and certify the weight thereof.

And Whereas there are large sums of specie annually exported for the purchase of foreign Duck, Sail Cloth and Twine, imported into this Commonwealth and whereas it will be for the public Benefit, that the said Articles should be manufactured within this Common Wealth:

Be it further *Resolved*, that there be granted and paid out of the public Treasury, a Bounty of *eight shillings*, for every piece of Topsail Duck, and other Stouter Sail Cloth, manufactured within this Commonwealth, being thirty eight yards in length, and twenty eight inches in breadth, and that the Commissary General, be, and he hereby is appointed an agent, who is authorized to appoint one or more Agents under him, to inspect the same, who, on application of any manufacturer of the said Duck or Sail Cloth, within this Commonwealth, attended with a certificate from the Selectmen of the Town where the said Manufacturer resides, of his being *bona fide* the Manufacturer of the said Duck or Sail Cloth, or that the same was manufactured by some person or Persons acting for, or under him, shall proceed to inspect the same, and if found good and Merchantable as aforesaid, shall give a certificate thereof, to the person applying as aforesaid, which Certificate shall intitle the Person presenting it, to the bounty above mentioned.

Be it further *Resolved*, that there be granted, and paid out of the Treasury of this Commonwealth, a Bounty of *Eight shillings*, for each and every hundred weight of Twine, which shall be manufactured within this Commonwealth, under the same provisions & restrictions as are contained in the aforegoing resolution.

March 28, 1788.

Chapter 103.

RESOLVE ON THE PETITION OF JONATHAN HALE, IN BEHALF OF THE TOWN OF FRAMINGHAM, DIRECTING THE TREASURER TO ENDORSE UPON THE NOTE MENTIONED, £.170.

Chap.103

Upon the Petition of *Jonathan Hale*, in behalf of the Inhabitants of the Town of *Framingham*,

Resolved, that the prayer of the Petition, be so far granted, that the Treasurer of the Commonwealth, be directed to endorse upon the Note Mentioned in the said Petition, in possession of the said Town abovementioned, the sum of *One hundred & seventy pounds*, the Inhabitants of the said Town agreeing to allow the further sum of *Forty two pounds, ten shillings*, being an Allowance for Interest upon the said sum of *One hundred & Seventy pounds*.

March 28, 1788.

Chapter 104.

Chap.104 RESOLVE FOR ADJOURNING THE SUPREME JUDICIAL COURT,
IN MIDDLESEX.

Whereas the second Tuesday of *April*, (the time by law assigned for holding the Supreme Judicial Court, at *Concord*, within and for the County of *Middlesex*) happens near a Week earlier this year than usual; and it will probably be more convenient for all persons having business at the same Court, that it should be held at a later period.

Be it therefore *Resolved*, that the Supreme Judicial Court, which is by Law directed to be holden at *Concord*, within and for the County of *Middlesex*, on the second Tuesday of *April* next, be, and hereby is adjourned and shall be held at *Concord*, within and for the County of *Middlesex*, on the Second Monday, the fourteenth day of the same Month of *April* next: And all Suits, processes, Recognizances, Matters and things Whatsoever, pending at, Returnable unto, or having day in the Supreme Judicial Court by law to be holden at *Concord*, in the County of *Middlesex*, on the Second Tuesday of *April* next, shall have day, be returnable unto, and be proceeded upon in the same Supreme Judicial Court herein directed to be held at said *Concord*, in the same County of *Middlesex*, on the second Monday, being the Fourteenth day of *April* next, as fully and effectually to every intent and purpose whatever, as they might have been on the said *second* Tuesday of *April*, in case this Resolution had never been made; of Which Jurors, Suitors, Witnesses, and all other persons interested or Concerned, are directed to take notice and govern themselves Accordingly. *March 28, 1788.*

Chapter 105.

Chap.105 RESOLVE ON THE PETITION OF FRANCIS LE GROSS.

On the petition of *Francis Le Gross*, setting forth that the ballance of wages that was due to him for his service as a soldier, in Coll. *Marshalls* Regiment, from the year 1776 to 1784, amounted to *ninety three pounds fifteen shillings & eight pence*, specie, & was drawn by a person fraudulently in his name, & without his order or consent, as appears by the oath of the said *Francis Le Gross*, & other concurring evidence:

Resolved, that the Treasurer be, & he hereby is directed to issue a note or notes to the said *Francis Le Gross*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law.

March 29, 1788.

Chapter 106.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF ADAMS, ALLOWING THEM FURTHER TIME FOR THE COLLECTORS TO DISCHARGE THE ARREARS DUE FROM THEM ON CERTAIN TAXES.

Chap.106

On the Petition of the Selectmen of the Town of *Adams*, praying that a further time may be allowed *Oliver Parker*, a Defective Collector of taxes, in Said Town, to discharge the Arrears of taxes committed to him to Collect :

Resolved, for Reasons set forth in the Said Petition, that the further time of nine months from the passing this resolution, be allowed the Said Town of *Adams*, and the Said *Oliver Parker*, Collector for the same, To Discharge the Arrears Due from them, on the tax granted in Octo^r, 1781, And on tax Number four. And the Treasurer of this Commonwealth, and the Sheriff of the County of *Berkshire*, are directed to govern themselves Accordingly.

March 29, 1788.

Chapter 107.*

RESOLVE ON THE PETITION OF *JAMES PERRY*, OF *EASTON*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE.

Chap.107

On the petition of *James Perry*, of *Easton*, in the County *Bristol*, praying for a rehearing in an action brought against him by *Samuel Morey*, of *Norton*, at a Court of Common Pleas, holden at *Taunton*, within & for the County aforesaid, on the second Tuesday of *March*, 1788, for reasons set forth in his petition :

Resolved, that the said *James Perry*, notify the said *Samuel Morey*, by serving him with an attested copy of his petition, and this resolve thereon, fifteen days at least before the third wednesday of the next sessions of the General Court, that he may then shew cause, if any he has, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

March 29, 1788.

* Taken from court record.

Chapter 108.

Chap.108

ROLL No. 11.

The committee on accounts have examined & passed upon the accounts now presented, & find that y^e sums reported, & set against the towns & persons hereafter named, are due to them; and if allowed, will be in full discharge of the accounts exhibited.

JOSEPH HOSMER, per order.

To y ^e Town of <i>Milton</i> , on account of an Indian Woman, <i>Abigail Hill</i> , in <i>March</i> , 1782, & y ^e month of <i>April</i> following, to y ^e 17th, who was Sick; which account was allowed by a former Committee, and an order upon y ^e Treasurer given, but not answered, . . .	£.10	3	0
To <i>William Harris</i> , for engrossing y ^e federal Constitution and amendments of y ^e late Convention, on Parchment, & out of office Hours, as certified by y ^e Secretary of y ^e Convention, . . .		0	12 0
To y ^e Hon ^{ble} . <i>Seth Washburn</i> , . . .		1	15 0
To <i>David Harwood</i> , . . .		1	8 0
To <i>Thomas M Baker</i> , . . .		1	8 0
A Committee appointed by y ^e General Court, in <i>Oct^r</i> , 1787, to repair to y ^e Town of <i>Grafton</i> , & to settle with y ^e trustees & Indians; for their Services, . . .			
To y ^e Town of <i>Marlborough</i> , for Supplies to <i>Ephraim Breed's</i> family, y ^e poor of y ^e Town of <i>Charlestown</i> , from <i>Oct^r</i> 1, 1786, to <i>Oct^r</i> 1, 1787, . . .		2	1 4
To y ^e Town of <i>Holiston</i> , for supporting <i>Wilson Chamberlaine</i> , one of y ^e Poor of <i>Charlestown</i> , from y ^e 1st of <i>Nov^r</i> 1787, to y ^e 1st of <i>Nov^r</i> , 1788, . . .		17	13 0
To <i>Thomas Gates</i> , of <i>Stow</i> , for Boarding <i>Mary Bird</i> , one of y ^e <i>Charlestown</i> Poor, from <i>Dec^r</i> 10, 1786, to <i>Jan^y</i> 7, 1788, . . .		4	19 4
To the Town of <i>Medfield</i> , on account of <i>George Turner</i> , & wife, & four children, to y ^e 1st of <i>March</i> 1786, & allowed by a former Committee, and an order upon the Treasurer, but not answered, y ^e Poor of y ^e Commonwealth, . . .		43	9 6
To y ^e same town, for y ^e same family, from y ^e first of <i>March</i> 1786, to y ^e first of <i>March</i> 1787, for Supplies, . . .		6	17 6
To the Town of <i>Reading</i> , for Supplies afforded <i>Joseph Perwoo</i> , one of the State's Poor, from 2d of <i>April</i> , 1787, to y ^e 3d of y ^e <i>March</i> , 1788, . . .		8	6 6
To the same Town, for Boarding or Supplying y ^e following Persons the poor of <i>Charlestown</i> , from <i>Jan^y</i> 1, 1787, to <i>Jan^y</i> 3, 1788, Viz. . .			
<i>Elizth</i> <i>Pierce</i> , £7. 16s. <i>Elizth</i> <i>Orr</i> , £2. & <i>Mary Kalla</i> , £10. 8s. . .		20	4 0
To y ^e Town of <i>Concord</i> , for supporting three Children of <i>William Baron</i> , a foreigner, & one of y ^e State's Poor, from y ^e 17th of <i>Jan^y</i> 1787, to y ^e 17th of <i>Jan^y</i> , 1788, . . .		23	8 0

To <i>David Poor</i> , for his services in 1787, & expences, by order of General <i>Warner</i> , ...	£.2 9 6
To y ^e Town of <i>Windsor</i> , for Services, & Expences, in Nov ^r 1787, in y ^e public Service, in transporting Men & Provision, ...	3 12 0
To <i>Thomas B. Wait</i> , for Printing by Order of Government, to Feb. 12, 1788, ...	33 12 8
To y ^e Town of <i>Chesterfield</i> , for supporting a Pauper of y ^e Commonwealth in 1784, which Acc ^t has been before y ^e House & passed, but not answered, ...	10 0 0
To <i>William Warner</i> , for a Horse, & Expences in y ^e public Service, in Feb ^y , 1787, and certified by General <i>Warner</i> , ...	2 3 6
To <i>William Titcomb</i> , for his Services as Aid to General <i>Titcomb</i> , in 1786 & 1787, and certified by the General, ...	12 8 6
To y ^e Town of <i>Billerica</i> , for supporting <i>Elizth Lamson</i> , one of y ^e Poor of <i>Charlestown</i> , from y ^e 16th of Nov ^r 1787, to y ^e 16th of Feb ^y , 1788, ...	5 4 0
To Doct ^r <i>Charles Whitman</i> , of <i>Stow</i> , for his Bill on account of y ^e wife of <i>Ephraim Breed</i> , of <i>Charlestown</i> , one of y ^e <i>Charlestown</i> Poor, in May 1784, ...	1 2 10
To the Town of <i>Lexington</i> , for Boarding and Nursing <i>Sarah Fowle</i> , one of y ^e poor of <i>Charlestown</i> , & to be paid to <i>Jonathan Smith</i> , from Oct ^r 1, 1787, to Jan ^y 1, 1788, ...	5 17 0
To <i>Samuel Lawrence</i> , for Boarding and Nursing <i>William Martin</i> , one of y ^e State's Poor, from Nov ^r 29, to Dec ^r 12, 1785, by order of y ^e Selectmen of <i>Groton</i> , ...	1 6 0
To <i>John Greenleaf</i> , an Aid to General <i>Titcomb</i> , for Services by his Order, in Oct ^r 1786, and till Jan ^y 1787, such as carrying Expresses, ...	5 10 0
To <i>Carpenter Greenwood</i> , in Feb ^y 1787, for y ^e same Services & Expences by Order, ...	1 11 6
To <i>Elizth Johnson</i> , for boarding herself, <i>Anna Rand</i> , & <i>Elizth Whittemore</i> , all of them <i>Charlestown</i> Poor, from Oct ^r 21, 1787, to March 9, 1788, ...	19 0 0
To <i>Daniel Robbins</i> , for boarding <i>Salla Davis</i> , one of y ^e State's Poor, from y ^e Date of y ^e last allowance, to y ^e 5th of July, 1785, & Board from that time, to the 11th of Feb ^y 1788 £12. 6s. to y ^e said <i>Daniel Robbins</i> , & £21. 12s. to <i>Sam^l Copp</i> , these being two Accounts, & one in favour of each Person, ...	33 18 0
To <i>John Eliot</i> , of <i>East Hampton</i> , for Boarding <i>Rebecca Gardner</i> , one of y ^e State's Poor, from y ^e 27th of April, 1787, to y ^e 16th of Feb ^y 1788, ...	15 15 0
To <i>William Howard</i> , for carrying Expresses for General <i>Titcomb</i> , in Feb ^y 1787, ...	1 11 6
To <i>John Austin</i> , keeper of y ^e Magazine at <i>Cambridge</i> , from y ^e 1st of July 1785, to y ^e 29th of Feb ^y 1788, for his Services; properly certified, ...	32 0 0
To the Town of <i>Mendon</i> , for boarding <i>James Thompson</i> , one of y ^e State's Poor, from y ^e first of March to y ^e first of Sept. 1787, ...	12 7 8
To y ^e Town of <i>Westborough</i> , for Boarding <i>John Schudemore</i> , another of y ^e State's Poor, from y ^e first of April to y ^e first of Oct ^r 1787, ...	6 10 0

To y ^e same Town, on account of y ^e same Person, from the first of Oct ^r 1787, to y ^e first of Jan ^y 1788, . . .	£.5 0 7
To <i>Jonathan Harris</i> , for Articles furnished y ^e board of War in 1780, and certified by Mess ^{rs} <i>Deming</i> and <i>Boyer</i> , to be due to him and committed to y ^e Committee on accounts by both Houses in y ^e present Session, . . .	66 6 9
To <i>Edmund Bridge</i> , Esqr. Sheriff in y ^e County of <i>Lincoln</i> , for a short allowance in his Acc ^t that was passed in Nov ^r last, . . .	5 13 4
To the Town of <i>Dracut</i> , for Board, Nursing, Doct ^{rs} Bill, &c. on account of <i>John Hancock</i> & his Wife, State's Poor, from June 25th 1787, to March 5th 1788, . . .	39 4 10
To y ^e Town of <i>Hopkinton</i> , for Boarding <i>Patience Bondily</i> from y ^e 15th of May 1786, to y ^e 8th of Nov ^r 1787, one of the State's Poor, . . .	9 5 0
To <i>Elizth Leman</i> , one of y ^e <i>Charlestown</i> Poor for her Board, from y ^e 14th of Nov ^r 1787, to y ^e 13th of March 1788, . . .	4 5 0
To <i>Samuel Woodbury</i> , for carrying out of y ^e State, by Order, in January last, <i>Alice Cary</i> , & her Daughter, State's Poor, including Sleigh & Expences, . . .	1 10 0
To Deacon <i>John Simpkins</i> , for 2 Ruggs delivered Mr. <i>Otis</i> , Goaler, for y ^e use of State Prisoners, Dec ^r 4th 1786, . . .	3 0 0
To <i>John Austin</i> , for Board for Himself & Wife, <i>Charlestown</i> Poor, from Oct ^r 24th 1787, to March 24, 1788, . . .	10 15 0
To <i>Isaiah Thomas</i> , for Printing by Order, from Dec ^r 14th, 1786, to y ^e 11th of April, 1787, . . .	41 11 0
To Doct ^r <i>James Hawes</i> , for Visits & Medicines, on account of y ^e wife of <i>Robert Scott</i> , one of the Poor of <i>Charlestown</i> , from Jan ^y , 1786, to Dec ^r 26th, 1787, . . .	1 7 8
To Doct ^r <i>Oliver Prescott</i> , for Attendance & Medicines, on account of <i>John Drummond</i> , one of y ^e State's Poor, in March & April, 1783, . . .	0 13 4
To <i>Elizth Osborne</i> , one of y ^e <i>Charlestown</i> Poor, for Board, from March 13th, 1787, 13 weeks, . . .	7 13 0
To <i>Daniel Munn</i> , for boarding one <i>Phillips</i> , a wounded Man, in Jan ^y and Feb ^y 1787, properly certified, . . .	3 16 6
To the Town of <i>Pepperrell</i> , for supporting <i>George Marston's</i> Family, State's Poor, & for removing them out of y ^e State, from June 1787, to March 1788, which matters are sufficiently certified, . . .	58 10 0
To the Town of <i>Hardwick</i> , for supporting <i>Mary Bradshaw</i> , one of y ^e State's Poor, from Dec ^r , 1785, to Jan ^y 8th, 1788, & charge of removal out of y ^e State, . . .	17 4 2
To <i>James Kettle</i> , for boarding <i>Sarah Call</i> , one of y ^e Poor of <i>Charlestown</i> , from June 27th, 1787, to March 16th, 1788, with some supplies, . . .	12 0 8
To <i>Rufus Trask</i> , for Services, by order of Government in Dec ^r , 1787, to wit, carrying the new form of Government to several Towns, . . .	1 3 6
To <i>Daniel White</i> , for y ^e same Services, and about y ^e same time, . . .	1 0 8
To Coll. <i>John Tyler</i> , Deputy Adjutant General, in y ^e County of <i>Suffolk</i> , for Services certified by the Major General, in Feb ^y and March last, . . .	25 4 0

To Catherine Kettle, for boarding the Widow Souther, one of y ^e Poor of Charlestown, from y ^e 1st of Oct ^r , 1787, to y ^e 17th of March, 1788, ...	£.7 4 0
To John Carter, for boarding Mahetable Carter, another of y ^e Charlestown Poor, from y ^e 1st of Jan ^y , 1787, to y ^e 1st of Jan ^y , 1788, ...	13 0 0
To the Selectmen of Charlestown, for supporting y ^e Poor of y ^e Town, agreeable to y ^e order of the General Court, from Oct ^r 1st, 1787, to March 1st, 1788, exclusive of those that are supported by y ^e Town, ...	232 16 10
To Zephaniah Webster, Printer, for printing for y ^e Commonwealth, by order, from Nov ^r 6th, 1787, to Dec ^r 24th, ...	8 11 0
To Caleb Manning, for y ^e board of Eliz th Sweetser, one of y ^e Poor of Charlestown, from the 26th of Oct ^r 1786, to y ^e 15th of March, 1788, ...	18 0 0
To y ^e Selectmen of Walpole, for Supporting, Doct ^{rs} Bill, & on account of y ^e Widow Hannah Lawrence, one of the State's Poor, from y ^e 1st of Feb ^y , 1787, to y ^e 26th of Jan ^y 1788, ...	26 6 10
To y ^e Town of Lincoln, for Board & Nursing George Montgomery, William Oar, & Thomas Pocock, State's Poor, from y ^e 28th of Nov ^r , 1787, to y ^e 29th of Feb ^y , 1788, ...	12 18 4
To y ^e Town of Framingham, for Advances, Board, & Doct ^{rs} bills on the account of Mahetable Saunders, a State's Poor, from Aug ^t 15th, 1787, to March, 10, 1788, ...	21 7 2
To the Town of Weston, for Boarding & Nursing Lydia Breed & Philadelphia Breed, y ^e Poor of Charlestown, with extraordinary Expence on account of y ^e former, from y ^e 2d Nov ^r , 1787, to y ^e 22d of Feb ^y last, ...	17 6 0
To Thomas Parsons, Deputy Sheriff, for his Travel, Time & Expences in distributing y ^e new form of Government, going to ten Towns, last fall, ...	1 7 9
To the Town of Brookfield, for Board & Doct ^{rs} Bills, on account of Matthew Cross, one of y ^e Poor of y ^e Commonwealth, from Nov ^r 10, 1787, to Feb ^y 11, 1788, ...	20 4 10
To y ^e Selectmen of Watertown, for Boarding Ruth Mallett, to y ^e 1st Feb ^y 1786, one of y ^e Charlestown Poor, before allowed but not paid, and y ^e Order remaining, ...	15 19 4
To y ^e same Selectmen, for y ^e same Person, from y ^e 1st Feb ^y , 1786, to y ^e 1st Feb ^y , 1788, ...	17 9 4
To William Butler, Printer, Northampton, from Feb ^y , 1787, to Feb ^y 19th, 1788, for Printing by Order of Government, ...	51 11 3
To Simon Stow, for his Services as Agent to y ^e Estate of Henry Barnes, & for Supplies to an old Negro Woman, from y ^e 14th of Nov ^r , 1787, to March 28, 1788, including extraordinary Expences, ...	16 3 2
	£.1133 15 8

Read & thereupon *Resolved*, that his Excellency the Governor, with the advice of Council, be requested to issue his Warrant on the Treasury for the payment of the several persons borne on this Roll, the sums set against

their names respectively, amounting in the whole to *Eleven hundred & thirty three pounds, fifteen shillings & eight pence.*
March 29, 1788.

Chapter 109.

Chap.109 RESOLVE AUTHORIZING THE COMMITTEE APPOINTED BY A RESOLVE OF NOVEMBER 9, 1788, TO REPAIR TO THE TOWN OF HANCOCK, TO COMPLEAT THEIR BUSINESS.

Whereas the Committee of both Houses Appointed by the resolution of *Novr* 9, 1787, were prevented from repairing to the Town of *Hancock*, to perform the business Assigned by the said resolve, within the time Limited in the Same, by reason of Some of the Committee attending the State Convention :

Resolved, That the Said Committee Be, And hereby Are Authorized to compleat the business Assigned them, by the Said Resolve ; And make report of their Doings to the first Session of the next General Court, in the Same manner they were Directed, by the Said resolve, to make report to the present Sessions.
March 29, 1788.

Chapter 110.

Chap.110 RESOLVE DIRECTING THE TREASURER TO PAY THE COMMITTEE ON ACCOUNTS, IN THE SAME MANNER AS THE MEMBERS OF THE GENERAL COURT ARE PAID.

Resolved, that y^e Treasurer of this Commonwealth be, & he is hereby directed to pay out of y^e public Treasury, in y^e same manner the Members of y^e General Court shall be paid, to y^e Committee on Accounts, for their Services, for y^e whole of the last & present Session of the General Court, agreeable to the allowance always made them, *viz.* To the Hon^{ble}. *Joseph Hosmer*, Esqr. *Five Pounds Six shillings & six pence* ; to *John Carnes*, Esqr. the same Sum ; And to y^e Hon^{ble}. *Noah Goodman*, Esqr. who attended only part of the last Sessions, *One Pound four shillings*, which shall be in full Discharge for their afor^s^d Services, in addition to their Pay as Members of y^e General Court.
March 29, 1788.

Chapter 111.

Chap.111 RESOLVE RESPECTING TOWN OFFICERS TAKING THE OATH OF ALLEGIANCE, ALLOWING THEM A LONGER TIME, THAN PRESCRIBED IN THE RESOLVE OF 10TH MARCH, 1787.

Whereas by a Resolve past the General Court, on the tenth Day of *March*, in the Year of our Lord 1787,

requiring Town Officers that shall be chosen into Office, to take an oath of Allegiance, within seven Days from the time of their being chosen, it hath been found by practice, that the time therein set, is too short for persons in many instances, to comply therewith:

Therefore *Resolved*, that any Person Chosen into any Town Office, within this Commonwealth, that does within forty days next ensuing, from the time of their being elected into any Town office, take & subscribe the oath of Allegiance, shall be considered as the legal Officer of any such Town the next ensuing year, any Law or Resolve to the Contrary notwithstanding, and all the doings of such officer or officers as shall not have taken said oath between the time of his election, and the time provided by this Resolve, shall be as valid and effectual, as if he had taken the oath as prescribed by any former law or resolution.

March 29, 1788.

Chapter 112.

RESOLVE ON THE PETITION OF JONATHAN SIMPSON, JUN. IN BEHALF OF JONATHAN SIMPSON, ESQ. OF BRISTOL, IN GREAT BRITAIN.

Chap.112

On the petition of *Jonathan Simpson*, junr. in behalf of *Jonathan Simpson*, Esquire of *Bristol*, in *Great Britain*, praying that the Judge of Probate, for the county of *Essex*, may be authorized, to receive a claim of the said *Jonathan Simpson*, Esqr. on the Estate of *Epes Sargent*, late of *Gloucester*, in the county of *Essex*, Esquire deceased, altho' the time allowed by the said Judge, for the admission of claims on the said Estate, before the Commissioners, is expired:

Resolved, that the prayer of the said petition be so far granted, as that the said Judge of Probate, be & he is hereby authorized to appoint new commissioners to receive the claim of the said *Jonathan Simpson*, Esquire and to conduct thereon, in the same manner as tho' the said Claim had been rendered to the Commissioners, who were appointed on the estate of the said *Sargent*, deceased, in due season.

March 29, 1788.

Chapter 113.

RESOLVE IN FAVOUR OF THE CHAPLAIN, CLERK OF THE HOUSE, AND SENATE.

Chap.113

Resolved, That there be allowed and paid out y^e Treasury of this Commonwealth, unto y^e Rev^d. *Peter Thacher*,

Chaplain of the General Court, the Sum of *twelve pounds*; and unto *George Richards Minot*, Esqr. Clerk of the House of Representatives, & Mr. *Samuel Cooper*, Clerk to y^e Hon^{ble}. Senate, the Sum of *Fifty five Pounds* each, in full of their Services respectively, the present Year.

March 29, 1788.

Chapter 114.*

Chap.114 *RICHARD HINCKLEY*, RESOLVE ON HIS PETITION, TO NOTIFY THE ADVERSE PARTY, TO SHEW CAUSE AND STAYING EXECUTION IN THE MEAN TIME.

On the Petition of *Richard Hinckley*, setting forth that *Gabriel Johonnot*, hath obtained judgment against him, for his non appearance, as set forth in the petition.

Resolved, That the petitioner serve the said *Gabriel Johonnot*, with a copy of his petition, and this resolve, fourteen days before the second wednesday of the next setting of the General Court, and that the said *Gabriel* may appear on the same day, and shew cause, if any he hath, why the prayer of the said petition should not be granted, and that execution on said judgment shall be stayed in the mean time.

March 29, 1788.

Chapter 114A.†

Ch. 114A RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *TEMPLETON*.

On the petition of the Selectmen of the Town of *Templeton* praying that the original range-line between *Templeton* and *Gerry* should be established, for reasons set forth in the said petition : —

Ordered, that the prayer of the said petition be so far granted, that the Selectmen aforesaid serve the Clerk of said Town of *Gerry* with an attested copy of said petition and of this order at least thirty days previous to the second wednesday of the next sitting of the General Court, in order that they may then appear and shew cause, if any they have why the prayer of the said petition should not be granted.

March 29, 1788.

* Taken from court record.

† Taken from court record. Not printed in previous editions.

Chapter 115.

RESOLVE ON THE PETITION OF JEREMIAH WITHAM.

Chap.115

On the Petition of *Jeremiah Witham*, formerly a Soldier in the service of this Government.

Resolved, that there be paid out of the public Treasury of this Commonwealth, *Fifteen pounds*, in full payment of his pension, untill the first day of *June*, One thousand Seven Hundred and Eighty Eight; and that from and after that time, there be annually paid out of the Public Treasury aforesaid, *Three pounds*, during the Life of the aforesaid *J. Witham*, the Said Money to be under the direction of the Select Men of any district or Town, in this Commonwealth, in which the said *Jeremiah Witham* shall at any time hereafter, live. *March 31, 1788.*

Chapter 116.

RESOLVE ON THE PETITION OF ROBERT FULLER, IN BEHALF OF THE TOWN OF NEEDHAM.

Chap.116

On the Petition of *Robert Fuller*, Junr. in behalf of the Town of *Needham*, Praying for leave to Pay into the Treasury of this Commonwealth, the sum of *Twenty Seven Pounds Thirteen shillings & one penny*, in orders or consolidated notes, as other back Taxes were paid, which was Assesst on said Town, Agreeable to a Resolve of the General Court, of the 26th of *June*, 1786 :

Resolved, that the Prayer thereof be Granted, and that the Town of *Needham* have Liberty to pay the sum of *Twenty Seven Pounds thirteen shillings and one penny*, in Treasurer's Certificates on back Taxes, in discharge of the said Tax, and the Treasurer is hereby directed to govern him selfe Accordingly. *March 31, 1788.*

Chapter 117.

RESOLVE ON THE PETITION OF JOSEPH NYE, AND OTHERS, IN BEHALF OF THE TOWN OF SANDWICH.

Chap.117

On the Petition of *Joseph Nye* and others, in behalf of the Town of *Sandwich*, praying that *Zenos Nye* and *James Freeman*, two Collectors of Taxes for the said Town, may be authorized to collect the assessments of the Taxes granted by the General Court, in 1784 and 1786,

which assessments were made by order of the Court of General Sessions of the Peace, for the County of *Barnstable*; and also, that they may be allowed till the first Day of *June* next, to pay the said Taxes into the Treasury of this Commonwealth, for reasons set forth in the said Petition.

Resolved, that the prayer of the s^d Petition be Granted, and that the Assessors appointed by the Court of General Sessions of the peace as aforesaid, as soon as they have compleated the said assessment, commit the Bills to the said *Zenos Nye* and *James Freeman*, with warrants in due form of Law to collect the same, and make payment thereof, to the Treasury of this Commonwealth, on or before the first Day of *June* next, & that the said Assessors Certify the Treasurer of this Commonwealth, of the same, as the Law Directs.

March 31, 1788.

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *JOHN HILL*, GRANT TO.

On the Petition of *John Hill*, praying for wages Due to him in the year one thousand seven Hundred and Seventy five.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth to *John Hill*, the sum of *three pounds Seventeen shillings* and *two pence*, in full for his Services, as set forth in his Petition.

March 31, 1788.

Chapter 119.

Chap.119 RESOLVE ON THE PETITION OF *DANIEL GOULD*, IN BEHALF OF THE TOWN OF *WARE*.

On the Petition of *Daniel Gould*, in behalf of the Town of *Ware*, praying for the Remittance of a fine of *Six Hundred pounds*, Continental Money, for the Deficiency of one man for the Continental army, for the year 1779:

Resolved, that the Prayer of the Petitioner be Granted, and that the Treasurer is hereby Directed to creadet the Town of *Ware* the sum of *Eighteen Pounds five Shillings*, Specie, Agreeable to the Consolidation of the above Said Sum, and for which Execution is Issued against the Said Town of *Ware*.

March 31, 1788.

Chapter 120.*

RESOLVE ON THE PETITION OF *THOMAS SHELDON*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. Chap.120

On the petition of *Thomas Sheldon*, of the New City, in the County of *Albany*, and state of *New York*, merchant, setting forth, that on the 20th day of *August*, now last past, *Joseph Goodrich*, of *Sheffield*, in the County of *Berkshire*, Gentleman, before *Lemuel Barnard*, Esqr. one of the Justices of the Peace, for the said County of *Berkshire*, recovered judgment against him the said *Thomas* by default, for the sum of *one hundred and seventy pounds seventeen shillings and nine pence*, damages, and *sixteen shillings and one penny*, costs of suit: praying for reasons set forth, that execution on the judgment aforesaid may be stayed, and that the said *Joseph*, carry his said cause to the Court of Common pleas, with the copies, &c. and that the said cause be then at the said Court, open in law.

Thereupon *Resolved*, that the prayer of the petition be so far granted, that the said *Thomas*, notify the said *Joseph*, at least fourteen days before the third Wednesday of next setting of the General Court, by serving him with a copy of his aforesaid petition, and this resolve, then to shew cause, if any he has, why the prayer thereof should not be granted, and that execution on the judgment aforesaid be stayed in the mean time, together with any action already commenced, or that in the mean time may be commenced in consequence of the judgment aforesaid.

March 31, 1788.

Chapter 121.

RESOLVE ON THE PETITION OF THE HON. *NATHANIEL PEASLEE SARGENT*, AUTHORIZING THE TREASURER TO ISSUE A CERTIFICATE FOR THE SUM MENTIONED. Chap.121

On the petition of the Honr. *Nathaniel Peaslee Sargent*, praying that the Treasurer may be authorized to issue a new Certificate :

Resolved, for Reasons set forth in the petition, that the prayer of the petition be granted, & the Treasurer is hereby authorized & directed to issue a Certificate, for

* Taken from court record.

the Sum of *seven pounds*, on the Specie part of Tax No. 5, in favor of the above named *Nath^l Peaslee Sargent*, he giving sufficient security to the Treasurer, to refund the s^d sum of *seven pounds*, if the former Certificate should hereafter be found.

March 31, 1788.

Chapter 122.

Chap.122 RESOLVE ON THE PETITION OF *MOSES AMES*, IN BEHALF OF THE TOWN OF *FRYEBOURG*, DIRECTING THE TREASURER TO CREDIT SAID TOWN.

On the Petition of *Moses Ames*, in behalf of the Town of *Fryebourg*, praying that the Said Town may be relieved, on account of Some mistakes made in takeing the last Valuation of the Said Town, as Set forth in the said Petition :

Resolved, that the said Town of *Fryebourg*, be abated the Sum of *three Pounds fifteen shillings*, on the last Tax Act, and the Treasurer of the Said Commonwealth is hereby directed to Credit the Town of *Fryebourg*, the Said Sum of *three Pounds fifteen Shillings*, accordingly, one third part of the Said Sum on the Specie part of the Said Tax, and the other two thirds, on that part for redeeming the Army Notes, and paying the Interest on the Continental Loan Office Certificates, in equal shares.

March 31, 1788.

Chapter 123.

Chap.123 RESOLVE RESPECTING THE NORTH MILLS LOTTERY, REPEALING A LAW PASSED NOVEMBER LAST.

Resolved, That the Resolve of the General Court, of the 19th of *November* last, respecting the North Mills Lottery, be, and the same is hereby repealed.

March 31, 1788.

Chapter 124.

Chap.124 RESOLVE ON THE PETITION OF *JOSHUA WHITE*, IN BEHALF OF THE TOWN OF *MIDDLEBORO*, MAKING GOOD AND VALID AN ASSESSMENT MADE BY THE SELECTMEN, AND THE PROCEEDINGS THEREON.

On the Petition of *Joshua White*, in behalf of the Town of *Middleboro*, praying that the assessment made by the Selectmen of the said Town may be made valid in

Law, and that the Executions against the Collectors of the said Tax in the said Town, may be continued for a longer time, than is by Law provided, for reasons therein set forth,

Resolved, that the prayer of the said Petition be granted, and that the said assessment, together with the warrants for collection, be, and hereby are made good and valid in Law, together with all the proceedings thereon, to all intents and purposes, and that the Executions which have been issued against the Collectors of the said Tax, in the said Town, be, and hereby are continued in full force, until the first day of *August* next, and are not returnable until the said Time, any thing in any resolution to the Contrary notwithstanding, and the Treasurer of this Commonwealth, and the Sheriff of the County of *Plymouth*, are directed to govern themselves accordingly.

March 31, 1788.

Chapter 125.

RESOLVE ON THE PETITION OF JOSEPH DOBLE.

Chap.125

Upon the Petition of *Joseph Doble*, Executor to the last Will & Testament of *John Doble*, dec'd, praying that a certain Judgment may be annulled, for Reasons set forth in the said Petition,

Resolved, that the Judgment made up & given, in an Action in the Court of Common Pleas, holden at *Boston*, within & for the County of *Suffolk*, on the third Tuesday of *April* last, wherein *Richard Rolason Doble*, was Plaintiff, and the said *Joseph Doble* as Executor, was original Defendant, be, & hereby is set aside, & declared null & void: and it is hereby further *Resolved*, that the said Cause be continued to the next Court of Common Pleas, to be holden at *Boston* aforesaid, on the first Tuesday of *January* next, in the same manner as if the Cause had been regularly continued to that Time, and the Clerk of the said Court, is hereby directed to carry the said Action forward, to the said Court, to be holden at *Boston* as aforesaid, in the same manner, & that the same Proceedings be thereupon had, as if Judgment had never been given in the above Cause, And the Execution issued upon the said Judgment, is hereby declared null, invalid & void.

March 31, 1788.

Chapter 126.

Chap.126 RESOLVE ON THE PETITION OF *JONATHAN PARKER*, REPEALING A RESOLVE, PASSED THE 9TH OF NOVEMBER LAST, AND DIRECTING THE TREASURER TO REVOKE THE EXECUTION ISSUED, AND TO ISSUE ANOTHER.

Upon the Petition of *Jonathan Parker*, praying that a Resolution which passed the Genl Court, on the Ninth Day of *November* last, directing the Treasurer to issue an Execution against him, for the Sum of *one hundred & thirteen Pounds three shillings & three pence*, specie, the property of the Town of *Plympton*, may be repealed.

Resolved, for reasons set forth in his Petition, that the Resolve aforesaid and all Proceedings thereon, be, and are hereby repealed, and rendered null and void, and the Treasurer of the said Commonwealth, is hereby directed to revoke the Execution issued in consequence of the said Resolve, and to issue another against the said *Jonathan Parker*, for the aforesaid sum of *one hundred & thirteen Pounds three shillings & three pence*, payable in the same Manner as other Executions, against delinquent Collectors of the same Tax.

March 31, 1788.

Chapter 127.

Chap.127 RESOLVE ON THE PETITION OF *JOHN POTTER*.

On the Petition of *John Potter*, Praying that a Judgment obtained against him by mistake, in favour of one *Joseph Darling*, may be reversed.

Resolved, that the Petitioner serve the said *Joseph Darling*, with an attested copy of his Petition & this Resolve thereon, fourteen Days before the third wednesday of the next sitting of the General Court, that he may appear on the said third Wednesday, if he see fit, & shew Cause, if any he have, why the Prayer of the Petition should not be Granted, & in the mean time all further Process or Execution, on the said Judgment, shall Cease.

March 31, 1788.

Chapter 128.

Chap.128 RESOLVE REPEALING A RESOLVE FOR APPREHENDING *DANIEL SHAYS* AND OTHERS, AND REQUESTING THE GOVERNOR TO WRITE TO THE OTHER STATES UPON THE SUBJECT.

Whereas by a Resolution of the General Court, passed the 8th Day of *February* 1787, the Governour was re-

quested by and with the Consent of Council, to issue his Proclamation, offering a Reward for apprehending such of the Ringleaders and Principals, in the late Rebellion, as his Excellency should judge proper: And in Pursuance of the said Resolution, his Excellency has offered a Reward for apprehending *Daniel Shays* and others.

And whereas the Reasons which then operated, for offering such reward, do not now exist.

Therefore *Resolved*, That the Resolution aforesaid, be, and it is hereby repealed, and the same, together with the Proclamation aforesaid be Annulled, and his Excellency the Governour, is hereby requested to issue his Proclamation, giving public notice thereof; and to inform by Letter, the Executives of the several States, who may have issued like proclamations, of this resolution, requesting them to recall their Proclamations relative to the Subject.

March 31, 1788.

Chapter 129.

RESOLVE ON THE PETITION OF THE TOWN OF *SHAPLEIGH*,
 AUTHORIZING THE SELECTMEN TO LAY AN ASSESSMENT ON
 THE POLLS AND ESTATES OF THE INHABITANTS OF SAID
 TOWN, THEIR APPORTIONMENTS OF THE TAX IN 1786. *Chap. 129*

Whereas it appears to this Court, that the Selectmen of the Town of *Shapleigh*, in the County of *York*, did not assess the said Town's apportionment of the Tax, granted in the year of our Lord 1786, on the polls and estates of the said Town, according to the rules and directions contained in the act, granting the said Tax, and as it appears to this Court, that it would be beneficial to the said Town, if the said Tax might be assessed on the polls and Estates thereof, in a proportion different from that which is provided in the said act:

Therefore *Resolved*, that the Selectmen of the said Town of *Shapleigh*, be, and hereby are authorized and directed to assess the said Town's apportionment of the said Tax, on the polls and Estates of the said Town, in the Manner following, *Viz.* on every male poll of sixteen years old, and upwards, *twelve shillings*, and the residue of the said Town's apportionment, on the Estates, real and personal, in the said Town, according to the rules and directions in the said Tax act, and to commit to the Collector or Collectors, Constable or Constables, of the

said Town, with a warrant or warrants, in due form of Law, for their collecting the same, to be paid into the Treasury of this Commonwealth, on or before the first Day of *August* next, and to certify the same to the Treasurer of this Commonwealth according to Law, on or before the twentieth Day of *May* next, any thing in the said Tax act to the Contrary notwithstanding.

March 31, 1788.

Chapter 130.

Chap.130 RESOLVE ON THE REPRESENTATION OF THE JUSTICES OF THE PEACE FOR THE COUNTY OF *CUMBERLAND*, GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS OF SAID COUNTY.

On the representation of the Justices of the Peace, for the County of *Cumberland*:

Resolved, That there be, and hereby is granted, a Tax of *three hundred & fifty pounds*, to be apportioned and assessed on the Inhabitants of the s^d County, and Estates, lying within the same, to be collected, paid, and applied for the use of the said County, according to the Laws of the Commonwealth.

March 31, 1788.

Chapter 131.

Chap.131 RESOLVE ON THE PETITION OF THE SECOND PARISH IN THE TOWN OF *AMHERST*.

On the Petition of the second Parish in the Town of *Amherst*, praying that all rateable Parsons who do now, or Shall hereafter live upon Land belonging to the Said Second Parish, as its bounds were settled by a former Act of Court, may be considered as belonging to the Said second Parish, for seasons sett forth in the Said Petition:

Ordered, that the prayer of said Petition be so far granted, that some one of the said Petitioners, serve the first Parish in the Town of *Amherst*, with an attested Copy of their petition, & of this order thereon, thirty days at least, before the Second Wednesday of the first Setting of the next General Court, by leaving the Said attested Copy with some principal Inhabitant of the Said first Parish, then to shew Cause (if any they have), why the prayer of said Petition should not be granted.

April 1, 1788.

Chapter 132.

RESOLVE ON THE PETITION OF *ELISHA CUTLER*.

Chap.132

Upon the Petition of *Elisha Cutler*, of *Waltham*, praying that Judgment recovered by *Thomas Ivers*, Esq. late Treasurer of this Commonwealth, against him, and the execution which issued thereon, may be returned satisfied, & he be discharged therefrom :

Resolved, that the prayer thereof, be so far granted, that the Sheriff of *Middlesex*, be, & he is hereby authorized & directed to receive of the said *Cutler*, the balance, which may be due to this Commonwealth, in the said execution, after deducting the neat proceeds of the Sale of the real Estate of the said *Cutler*, which said Execution has been extended upon, in the consolidated notes of this Commonwealth, on receipt thereof, to give a full discharge of the said Execution.

April 1, 1788.

Chapter 133.

RESOLVE ON THE PETITION OF *BILDAD FOWLER*, OF *WEST-FIELD*.

Chap.133

On the Petition of *Bildad Fowler*, of *Westfield*, in the County of *Hampshire*, praying that he, and his Sureties may be saved harmless, from a default on their recognizances at the Supreme judicial court of the Commonwealth, holden at *Springfield*, within & for the county of *Hampshire*, on the fourth Tuesday of *September* last.

Resolved, that the prayer of the said Petition be granted, & that the said *Bildad*, & his sureties, *viz.* *Bildad Fowler*, junr. & *Roger Bagg*, be, & they hereby are indemnified from the default aforesaid, of the said Petitioner : Provided the said Petitioner shall appear before the Supreme judicial court, next to be holden within & for the said County ; and Provided also, that he shall pay the costs arising by the said default.

April 1, 1788.

Chapter 134.

ORDER OF THE HOUSE, REQUESTING THE GOVERNOR TO WRITE TO THE GOVERNOR OF *NEW YORK*, TO EXPRESS THE GRATEFUL SENSE THIS COURT ENTERTAIN, FOR HIS POLITE ATTENTION TO THE SUBJECT OF THE WESTERN LANDS.

Chap.134

Ordered, that his Excellency the Governor, be, & he hereby is requested to write to his Excellency the Gov-

ernor of the State of *New York*, and to inform him, that this Court are impressed with a grateful sense of the polite attention which he has paid to this Commonwealth, in his several communications, on the Subject of the Western Lands; and do entertain a high sense of the spirited & decisive measures which the Senate & Assembly of the said State have taken with regard to the unwarrantable and unlawful Practices of *John Livingston*, & others, in obtaining leases from the Indians, of the Lands lately the Subject of a Compact between the two Governments; and that this Court unite with them in declaring the said Leases to be null & void. That the embarrassed situation of this Commonwealth, has prevented their joining with the State of *New York*, in the proposed treaty with the Indians, & induced them to comply with the proposal of certain of their Citizens, for purchasing the right of Preemption, which was by the tenth Article of the Compact aforesaid, ceded to this Commonwealth.

April 1, 1788.

Chapter 135.

Chap.135 RESOLVE FOR DISPOSING OF THE RIGHT OF PRE-EMPTION WHICH THIS STATE HAS IN, AND TO THE WESTERN TERRITORY, SO CALLED, (LATELY CEDED BY THE STATE OF NEW-YORK) TO THE HON. NATHANIEL GORHAM, AND OLIVER PHELPS, ESQ'RS, AND APPOINTING THE REV. MR. KIRKLAND, TO SUPERINTEND THE PURCHASE.

On the proposal made to the General Court, by the Honorable *Nathaniel Gorham*, and *Oliver Phelps*, Esquires, to purchase for the consideration of *Three hundred thousand pounds*, in Consolidated Securities of this Commonwealth; or *Two Thousand pounds*, specie, together with *Two hundred & ninety Thousand pounds*, in like securities, the Right of Preemption which this Commonwealth has in, & to the Western Territory, so called, lately ceded by the State of *New York*, to this Commonwealth, as appears by deed executed by their respective Commissioners, at *Hartford*, the 16th day of *December*, *A. D. 1786*.

Resolved, that the said proposal for purchasing the Land aforesaid, for the Consideration of *Three hundred Thousand pounds*, in Consolidated Securities of this Commonwealth, be, and hereby is accepted, And this

Commonwealth doth hereby agree, to grant, sell, & convey to the said *Nathaniel Gorham* and *Oliver Phelps*, Esquires, all the right, title & demand, which the said Commonwealth has in & to the said Western Territory, by the deed of Cession aforesaid, to have & to hold the same to the said *Nathaniel Gorham* & *Oliver Phelps*, Esquires, their heirs, and assigns, forever, upon the conditions hereafter Expressed; and the said *Nathaniel Gorham*, & *Oliver Phelps*, are hereby authorized to extinguish, by purchase, the claims of the native Indians, holding the fee or right of soil, in the Territory aforesaid.

And it is hereby *Resolved*, that the Revd. Mr. *Samuel Kirkland*, be, & hereby is appointed to superintend & approve, at the expence of the said Grantees, the purchase which the said *Nathaniel Gorham* & *Oliver Phelps*, Esq^{rs} shall make of the claims of such native Indians.

And it is hereby further *Resolved*, that all such purchases as the said *Nathaniel Gorham* & *Oliver Phelps*, shall make of the claims of the said Indians, in presence of the said Superintendent, shall be confirmed by this Commonwealth, provided the said *Gorham* & *Phelps*, shall give security to the satisfaction of the Supreme Executive of this Commonwealth, separate obligations to pay the aforesaid Consideration monies, to the Treasurer of this Commonwealth, or his Successor in office, for the use of this Commonwealth, one third thereof in one year, one other third thereof in two Years, & one other third thereof in three Years, from the date of this Resolve, With Interest in like consolidated securities, to commence from the date of this Resolve, until paid.

April 1, 1788.

SPEECHES AND MESSAGES,

1786—1787.

SPEECHES

OF

HIS EXCELLENCY THE GOVERNOR, AND HIS
HONOR THE LIEUTENANT GOVERNOR,

AND

MESSAGES TRANSMITTED BY HIS EXCELLENCY TO THE
GENERAL COURT DURING THE LEGISLATIVE YEARS

1786-1787.

[May Session, 1786.]

The time and place having been previously settled, the Governour met the two Branches of the Legislature in the Chamber of the Representatives, when his Excellency thus addressed them :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Agreeably to the request of the last General Court, I transmitted to our Delegates in Congress a Copy of the several papers, that relate to the transactions of the Commissioners for settling the Eastern boundary line of *New York*; & of the Court's resolve, giving them certain powers for effecting a settlement of the interfering claims of the two States to lands in the Western Territory.

With respect to the first, I desired those Gentlemen to communicate the papers to the new Commissioners, appointed by Congress to run that line; and to procure from them the needful information of the time they would attend on this business: the time mentioned in their first letter, being rendered precarious by their second letter: in consequence of which those papers were transmitted: But no further information has been yet received from them on the subject. One of the Agents appointed on the part of this State, the honble Mr. *Sedgwick*, informs

me by his letter of the first of May, that his prior engagements to the Government as a Delegate in Congress, & his obligations to his colleagues, render his attention to this business impracticable; & he is therefore obliged, though with reluctance, to decline the honour of the appointment. — Perhaps, Gentlemen, you may think it proper to appoint another Agent in his stead.

With respect to the interfering claims of the two States, I have received a Letter from our Delegates, dated the 19th of *May*, enclosing a copy of a supplementary Act of the Legislature of *New York*, passed the 28th of *April* last, appointing seven Gentlemen Agents for vindicating the right & jurisdiction of that State against the claims of this State: & any five or more of them are by that Act empowered to settle the controversy between the two States, otherwise than by a federal Court, in such manner as they shall judge most conducive to the interest of that State. You will consider Gentlemen, whether it would not be eligible to give the Agents on our part similar powers: & whether in that case the probable consequence would not be a speedier decision of the controversy.

Among the subjects, that claim your attention, Gentlemen, the University at *Cambridge* is not the least important. The encouragement of literature, & the diffusion of knowledge, were among the first cares of our worthy ancestors. After providing the common means of instruction, they instituted Harvard College, which from that time to the present has amply answered the end of its institution.

It has always been under the patronage of the General Court, who from time to time have made grants for the support of its President and Professors. The last grant for that purpose was in *June*, 1784, for their salaries to the preceeding *January*. — With you Gentlemen, who must be sensible of the great benefits derived to the Commonwealth from that institution, there can be little occasion of using arguments for continuing those Grants. The meer representation of the arrearage, I am persuaded, will induce you to provide for the payment of it: especially as the Constitution declares, that “it shall be the duty of legislators & magistrates, to cherish the interests of literature & the Sciences, & all seminaries of them, especially the University at *Cambridge*.” — Considering

too, that in most of the United States there is now a remarkable disposition in favor of literature & science : for promoting & encouraging of which, there appears among them a most laudable spirit of emulation.

Under the regal Government, to which, it is hoped, the republican will in no instance be inferior, those Grants were regularly made. Besides which, about twenty years before, & down to, the time of its abolition, there was in every new-granted township one share reserved for, & granted to, Harvard College, exempted from all taxes : & similar reservations were intended to be made in all after-grants of townships, until the College-estate should produce a yearly income so large, as that all further grants both of land & money might, with propriety & without discouraging Literature, be discontinued.

I would recommend it to your consideration, Gentlemen, whether, upon these principles, it would not be proper to confirm to the College all the land-grants, that have been made to it as above-mentioned ; & to secure to it one share in such townships as may hereafter be granted.

Another subject, & a most important one, that requires your immediate attention, Gentlemen, is a Resolution of Congress of the 15th of *February* last ; most earnestly recommending to the deficient States an immediate & full compliance with the revenue System proposed by that honorable body by their Act of the 18th of *April*, 1783. I communicated it to the General Court at their last Session : but they thought proper to refer it to the consideration of the present General Court.

Among the States, which have only in part acceded to that System, is the Commonwealth of *Massachusetts* : whose Legislature, with the Legislatures of the other deficient States, is with unusual anxiety, & with a solemn earnestness, called upon by Congress to pass laws in full conformity to it. They urge a compliance from motives and considerations of great moment, which must make a deep impression on every one, who has a real concern for the honor and happiness of the United States : & if a better system cannot be proposed, this single consideration, that our freedom & independence were purchased by the debt it was intended to discharge, should invigorate every exertion to carry it into execution.

Some of the States do not seem sufficiently sensible,

that the freedom & independence, thus derived to them, have given them a new & important character — a national character, from which, as relative to each other individually, & to the united body collectively, new duties have originated, which they are indispensibly held to perform; & some of which are expressly pointed out by the confederation.

By the confederation the States respectively do solemnly pledge & engage their faith, to abide by the determinations of Congress on all questions, which by the confederation are submitted to the decision of Congress; & that the Articles of it shall be inviolably observed.

By those articles Congress have authority to borrow money on the credit of the United States; to ascertain the necessary sums to be raised for the service of the States; & to appropriate & apply the same for defraying the expence of that service; & the several States are held to supply those sums in certain proportions; for paying which, taxes shall be laid & levied by the authority of their respective Legislatures, within the time agreed upon by Congress.

Upon the faith & promise of the United States, thus pledged & engaged, & to carry on the War, Congress procured Loans from *France, Spain and Holland*, & from Citizens of the States, which, with other charges incurred by the War, amount to a considerable sum. The nations & individuals, to whom this sum is due, have a right to expect, & they do expect, that it will be paid according to that pledge & engagement: & the several States in the Union are under every obligation of Justice, honor and good faith, to exert their utmost ability for that purpose. And you will permit me to add, that it is particularly incumbent on you, Gentlemen, as the Legislature of this State, to make provision for the payment of our proportion of that debt.

To extinguish the debt, a mode is pointed out by the revenue System abovementioned, which Congress, after the most mature deliberation, declares to be the best in their power to propose. It recommends to the several States to invest Congress with a power to levy, for the use of the United States, certain duties upon goods imported into the said States from any foreign port: And also to establish, for twenty five years, & to appropriate to the discharge of the debts contracted on the faith

of the United States, substantial & effectual revenues, of such a nature as they may judge most convenient, for supplying their respective proportions of one million & five hundred thousand Dollars annually, exclusive of the aforesaid duties: Provided, that until the rule of the Confederation (or some other rule) can be carried into practice, the proportions of the said sum shall be as mentioned in the said revenue Act: which assigns to this Commonwealth the annual proportion of two hundred twenty four thousand four hundred & twenty seven dollars.

The former part of this recommendation has been complied with by the Legislature of this State; with this deviation, however, that instead of empowering Congress, they have by an Act of their own laid the recommended duties: subject to this Proviso, conformably to the recommendation, that the Act shall not operate, until all the United States have passed Acts for imposing the like duties.

The resolutions of Congress relative to this business, together with a message of the 27th of *February* last, to the General Court, on the same subject, are on the files of the Court, and to which you will please to be referred.

The Commissioners of the Treasury of the United States have transmitted a book, containing their account of taxes with each particular State exclusive of specific supplies, stated to the first of *November* last: and also an account of those supplies, that have been demanded of each State. It would have been communicated to the General Court at their last Session, had it not, by some accident, been mislaid. The former account includes taxes & credits, for old Emission dollars, new Emission and specie dollars; & the balances due in each.

With respect to the first mentioned account with *Massachusetts*, there was a balance due from this State in the old emission. On finding it right, & a much larger sum of the old emission dollars being in the Treasury, a warrant was immediately issued on the Treasurer to pay that balance to the loan officer of the United States: & it has been accordingly paid. There is the appearance of a large balance of new emission dollars due from this State: but when we are credited, for the payments made by the late Treasurer *Gardner*, for the sums cancelled, or burnt, by a Committee of the General Court, & for what the

present Treasurer has in hand, the remaining balance will be comparatively small, and may in a short time be wholly paid, if the extant taxes intended to redeem that emission, be properly called for.

The balance in specie appears also to be large : but it will be greatly reduced, when all the sums paid are credited, & the account in other respects properly adjusted. The State however, is, with regard to this balance, considerably in arrear, & the loan Officer has been with me, requesting, that I would represent to the General Court the urgent necessity, which presses for the speedy payment of it. Upon this head I sent messages to the General Court, dated the 24th of *October*, the 3d of *November*, & the 3d of *February* last, accompanied with several letters from the Commissioners of the Treasury, & Mr. Secretary *Thomson*; together with a resolution of Congress of the 12th of *October*, which are all upon the same subject; earnestly urging the payment of arrearages, due on the several requisitions of Congress prior to the last; & representing, in very forcible terms, the evil consequences that must result from delay. By recurring to those papers, Gentlemen, you will see the great importance of fully complying with those requisitions; & must be induced to take vigorous measures for enforcing the collection of the taxes laid for that purpose.

At the same time, Gentlemen, you are providing means for complying with the requisitions of Congress, you will naturally take into consideration the state of our own particular debt. A general view of it was exhibited to the last Court; and you can at pleasure recur to that exhibition.

It is particularly necessary you shall attend to the State of the debt, as it respects the last & present year. Among other purposes, the last Tax-Act provides for the redeeming of *one hundred thousand pounds* of the Army notes: going upon the idea, that *that* sum would redeem the whole remainder. But there will still be a remainder of *ten thousand one hundred & fourteen pounds four shillings & four pence* of those notes, for the redemption of which the Act does not make provision. That remainder, however, need not for the present be considered, as the Sale of State lands, & some other means, already provided, may be sufficient to redeem it.

Of the consolidated securities, issued by the Treasurer,

there is *one hundred seven thousand five hundred and ninety five pounds seventeen shillings & eleven pence half penny*, that was payable the last year: which, with *three hundred forty five thousand four hundred & eighteen pounds nineteen shillings & eight pence half penny* of the like securities, payable the present year, makes *four hundred fifty three thousand & fourteen pounds seventeen shillings & eight pence*: the greatest part of which is now payable, & the whole will be so, at the end of the year, besides the interest that will then be due.

The payment of these securities is provided for by five taxes laid on the year 1785, for *four hundred twenty three thousand two hundred & fifty pounds*; & by four taxes on the present year for *three hundred eighty six thousand two hundred & fifty pounds*: for which taxes the Treasurer is empowered & directed to issue his warrants, in case the General Court should not, by the first of *July* in each year, agree upon a tax act for apportioning those taxes upon the Commonwealth. The Acts laying those taxes were passed the 17th of *February*, the 15th of *May*, & the 5th of *July*, 1781; & the 25th of *March*, 1783: & it will be the duty of the Treasurer after the first of *July* next to issue his warrants for apportioning & collecting them, at least to the amount of the aforesaid sum of *four hundred fifty three thousand & fourteen pounds seventeen shillings & eight pence*, exclusive of the interest. The reason why the taxes so much exceed the debt they were intended to discharge, may be conjectured, from an Act passed the 6th of *March*, 1782: by which an alteration was made in the time of payment of Government securities issuable, & some of which had been issued, by virtue of anterior Acts. The payment was postponed a year without a correspondent postponement of the taxes.

It would be for the honor & reputation of the government, if its debt could be paid at the several times it will become due. But if the tax laid upon the present year by the last tax act of *three hundred thousand four hundred & thirty nine pounds one shilling & three pence*, connected with the sum aforesaid, exceeds the ability of the Commonwealth, concerning which you, Gentlemen, are the Judges, would it not be advisable to propose to its creditors a system of payment, by which certain proportions of the debt, to which the public ability would be equal, should be annually paid, until the whole be ex-

tinguished. — If this, Gentlemen, should be your opinion, you may think it proper to extend the proposal to the remaining creditors of the Commonwealth: to whom there will be due on consolidated securities, in 1787, including the debt to a mercantile house in *France*, *three hundred fifty eight thousand five hundred & fifty one pounds fifteen shillings & eight pence half penny*; in 1788, *three hundred forty five thousand four hundred & eighteen pounds nineteen shillings and eight pence half penny*; and in 1789, *two hundred thirty seven thousand eight hundred and twenty three pounds one shilling & nine pence*. The amount of all the consolidated securities, that have been issued by the Treasurer, & are now extant, according to a memorandum I have had from him, is *one million three hundred ninety four thousand eight hundred & eight pounds fourteen shillings & ten pence*, exclusive of interest.

For the payment of the first sum, taxes are laid on the year 1787 for *three hundred eighty six thousand two hundred & fifty pounds* and for the payment of the two last mentioned annual sums, both amounting to *five hundred eighty three thousand two hundred & forty two pounds one shilling & five pence half penny*, taxes are laid on the year 1788 for *three hundred eighty six thousand two hundred & fifty pounds*, which, with the surplusage taxes, laid on the years 1785 and 1786, are the fund for securing that payment.

This, Gentlemen, is the State of the domestick debt as it stood the 27th of the last month; & these are the funds for the payment of it. There will be some addition to be made to it, as all the accounts relative to the *Penobscot* expedition, & other matters of charge, have not yet been settled. It is justly expected however, that the cost of that expedition will be allowed to us by Congress.

A well digested system of payment, supported & recommended by proper tax-acts, with such provisions as would insure a punctual payment at the stipulated times, would probably meet the approbation of the creditors of the Commonwealth; & be acceptable to the people in general. In that case, the former would receive their debt in reasonable proportions at the stipulated times; & the latter be relieved, not only by a division or distribution of the taxes upon a number of years, but by the encreasing population; which would annually supply new & additional subjects to bear a part of the taxation.

If, however, by a vigorous exertion, we could cancel the domestick debt, within the time, at which the securities of the remotest payment are payable, *viz*, 1789, transferring to that year a sufficiency of the overplus tax of the last and present year, & annihilating the rest of the overplus, it might be more for the benefit of the Commonwealth than to procrastinate it. This cancellation being effected, and all our finance-resources directed to one point, ways & means might be found to supply our proportion of the foreign debt without much difficulty.

Such an exertion, founded on the unalterable principles of rectitude, and commutative justice — a basis, on which the happiness & prosperity of nations, as well as of individuals, so essentially depend — would be productive of great effects; & systematically pursued, would in a short time, not only greatly reduce the debt; but proportionably advance the credit & reputation of the Commonwealth.

There are other matters, Gentlemen, which require your consideration, & which I shall communicate to you by message.

The Letters & Papers, referring to those abovementioned, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 2*, 1786.

Chapter 6.

Chap. 6

[May Session, ch. 6, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Major Generals chosen for the several divisions of the Militia, have respectively accepted the choice and commissions have in consequence of it, been sent to them, *viz*.

To Major General *Lincoln*, of the first division, comprehending the County of *Suffolk*.

Major General *Titcomb*, of the second division, comprehending the County of *Essex*.

Major General *Brooks*, of the third division, comprehending the County of *Middlesex*.

Major General *Shepard*, of the fourth division, comprehending the County of *Hampshire*.

Major General *Cobb*, of the fifth division, comprehending the counties of *Plimouth*, *Barnstable*, *Bristol*, *Dukes County* and *Nantucket*.

Major General *Goodwin*, of the sixth division, comprehending the Counties of *York* and *Cumberland*.

Major General *Warner*, of the seventh division, comprehending the County of *Worcester*.

Major General *Lithgow*, of the eighth division, comprehending the County of *Lincoln*.

Major General *Patterson*, of the ninth division, comprehending the County of *Berkshire*.

In carrying the militia laws into execution, a difficulty has occurred, in regard to the electing of Officers. In those laws no direction is given, as to the time and manner of convening the electors, of collecting votes, and of certifying to the Governour the Officers elected: all which circumstances, the Constitution requires should be regulated by standing laws.

In considering this matter, Gentlemen, you will please to consider also, whether in the new supplemental law (if you should think proper to pass such an one) it should not be provided, that all vacancies, at the time of passing it, should be filled up, within a given time; and all after-vacancies within a given time also, after they should respectively happen? Whether there should not be a prescribed mode of notifying the Officers of their election? and in cases, in which the electors refuse or neglect to meet and choose their Officers at the time assigned, whether the time and mode of notifying it to the Governour, should not be ascertained, that, as soon as may be after the notification, he may appoint such Officers, pursuant to the Constitution? And if in any town there should be a regiment or companies, destitute of Officers, should it not be made the duty of the Selectmen of such town, on the requisition of the Major General, to notify the qualified electors to meet and elect their Officers, and in all respects proceed in that business, according to law?

Would it not be proper also, that, beside laws for regulating the militia in a time of tranquility, there should be formed a well digested body of martial law: to which, recurrence may be had, in any future exigency?

I have had a letter from the Major General of the first

division, upon the subject of the militia laws ; which will be communicated to you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 8, 1786.*

Chapter 7.

Chap. 7

[May Session, ch. 7, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Pursuant to the request of the General Court, I applied through our Delegates to Congress, for the loan of Sixty brass field pieces of Artillery, for the use of such of our Artillery Companies, as are forming : but Congress thought it improper, that the Cannon & Military stores in the Arsenal of the United States should be dispersed : as you will observe by their proceedings of the 19th of *April*.

There are eight of the Artillery Companies already provided with field pieces : and for the remaining Companies, which, when compleated agreeably to the intention of the militia laws, will require about seventy field pieces more, with their apparatus, you will please, Gentlemen, to make the needful provision.

Several of those Companies already formed, have applied for the Powder allowed them, by the last militia Act : but from the smallness of the quantity belonging to the Government, in the publick magazines, I thought it prudent to suspend issuing orders for the delivery of it, until the magazines shall be sufficiently supplied.

Upon the subject of such a supply, and the means of effecting it, I sent a Message to the General Court in their last Session, dated the 21st of *February* : to which you will please to be referred.

As there will be an annual demand for powder, for the use of the Artillery Companies, and as it may be essential to the safety of the Commonwealth, that the publick magazines be kept sufficiently supplied with it, you will permit me, Gentlemen, to recommend to you the taking of speedy, and effectual measures for that purpose.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 8, 1786.*

Chap. 14

Chapter 14.

[May Session, ch. 14, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a Resolve of the General Court, of the 24th of *March* last, the Governor and Council were requested to consider the expediency of coining Silver and Copper in this Commonwealth; the quantity it would be convenient in that case to coin; in what mode the business should be conducted; the proper devices to be used; and the advantage that would accrue to the Commonwealth, from such a coinage.

I laid the Resolve before the Council, and after a discussion of the subject, a Committee was appointed to consider it more fully. The Committee have reported, and their report having been accepted by the Council, is now, With the papers to which it refers, laid before you for your Consideration.

Upon the subject of a Coinage, I have had a letter of the 18th of *May*, from one of our Delegates in Congress, the honorable Mr. *Gorham*, enclosing the report of the Treasury Board, relating to the establishment of a Mint: which report it was expected would in a few days be considered by Congress.

Mr. *Gorham* taking notice, that according to the News papers, proposals had been made to the legislature of *Massachusetts*, relative to a copper Coinage, observes, that it is apprehended it will be attended with great inconveniences if the States should act in this matter separately; that after Congress had agreed upon a plan, which they will soon do, there might be, and it would be of great utility there should be an uniformity in the money, throughout the union; and that *Massachusetts*, and any other State, after knowing the terms on which the Board of Treasury would conduct this business, could more advantageously act upon it than before: and therefore seems to suppose, that it would be adviseable to suspend the coinage, until we are notified of the proceedings of Congress upon that head.

These reasons, without mentioning others that might be given, may induce you, Gentlemen, to suspend this business accordingly.

The report made to Congress, relative to the establishment of a mint for the United States, accompanies the papers above mentioned.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 12, 1786.*

Chapter 15.

Chap. 15

[May Session, ch. 15, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the last Post I received a letter from Mr. *Thomson*, of the sixth instant, giving information that the United States, in Congress assembled, had, on that day, chosen his Excellency *Nathaniel Gorham*, Esqr; to be their President: as you will observe by the accompanying letter.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 12, 1786.*

Chapter 21.

Chap. 21

[May Session, ch. 21, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have had a Letter from Governour *Vandyke*, of the State of *Delaware*, dated the 15th of *March*, mentioning, that the Assembly of that State have by law vested Congress with powers to regulate Commerce for the term of fifteen years: the law to operate as soon as nine States have given Congress similar powers.

I have also had Letters of the 5th and 12th of *April*, from Mr. President *Langdon*, of the State of *New Hampshire*, and *Charles Biddle*, Esqr; Vice President of the State of *Pennsylvania*: the former mentioning, that the General Assembly of *New Hampshire* had chosen Commissioners to meet Commissioners from the other States in the Union, for the purpose of considering the Commerce of the United States, agreeably to the proposals made by the Assembly of *Virginia*: and the latter enclosing Acts of the Assembly and Executive Council of *Pennsylvania*, appointing Commissioners for the same purpose.

These several letters are communicated to you, Gentlemen, for your information.

With regard to the business to which the two last refer, as it is of great importance there should be a full representation of the States, upon so interesting an occasion, you will probably think proper to choose other persons to represent this State, in the room of such as have declined accepting the former choice.

For that purpose, Gentlemen, and to insure a representation on our part prior to the recess of the General Court, a speedy attention to this business may be necessary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 14, 1786.*

Chap. 29

Chapter 29.

[May Session, ch. 29, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a circular letter from the honorable Mr. *Jay*, the minister for foreign affairs, dated the 3d of *May*, and written by order of Congress, I was requested to inform him, whether, and how far the Commonwealth of *Massachusetts*, has complied with the proclamation of Congress of the 14th of *January*, 1784, and the recommendation which accompanied it, pursuant to the definitive treaty of peace, between the United States of *America*, and *Great Britain*.

In consequence of that letter, I directed the Secretary to examine the acts and resolves, which have been passed by the Legislature since that time, and extract from them, and authenticate, such as would furnish the information requested. These I sent enclosed with a letter to Mr. *Jay*: the whole being within a cover, directed to our Delegates. The titles of them, with a copy of the Secretary's declaration, which was also sent, will with my letter of the 17th of *May*, be communicated to you.

I have also had several letters from Mr. *Thompson*, Secretary of Congress, enclosing a state of the representation in Congress for the months of *March*, *April*, and *May*. During the first half of the last month, there was a pretty full representation: but it has since dwindled so

far, that there is not a sufficient representation to transact a great deal of important business lying before them; and which requires the presence of at least nine States in Congress.

Another letter of Mr. *Thompson*, of the 18th of *April*, mentions his receiving the account, which, at the request of the General Court in their last session, I transmitted to him, of the number of inhabitants within this Commonwealth, taken pursuant to a requisition of Congress for determining the quotas to be demanded from the several States of any common expence—he writes he had communicated it to Congress, together with the Act of this Government, transmitted at the same time, providing, among other things, for raising £145,655—for the purpose of complying with the requisition of Congress of the 27th of *September*, 1785.

Mr. *Thompson* has also sent the Journal of the transactions of Congress for some time: which with the afore-said letters, will be laid before you, gentlemen, by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June* 16, 1786.

Chapter 30.

Chap. 30

[May Session, ch. 30, 1786.]

Gentlemen of the *Senate*, & Gentlemen of the *House of Representatives*,

It is probable the Commissioners appointed by Congress to settle the boundary line between this State and *New York*, on the Eastern side of the latter, will proceed upon that business some time in the next month.

The Agents on our part were directed, by a Resolve of the General Court of the 14th of *March* last, to make suitable provision for the Accommodation of those Commissioners, during the time they may be employed in the business: but no grant of money has been made for that purpose.

One of the Agents, the honorable *Timothy Edwards*, Esqr; is now in *Boston*, and if enabled by such a Grant, will undertake to make the needful provision. His letter of this day relative to it, accompanies this Message.

In estimating the sum necessary to complete this busi-

ness, you will have regard, Gentlemen, to a compensation of the Commissioners for their services; for which they were assured by a joint letter to them from our Delegates and those of *New York*, that satisfactory compensation should be made.

Agreeably to the Resolve of the General Court of the 14th of *March*, I transmitted to our Delegates on the 29th of that month, copies of the Letters and Papers therein referred to, together with a copy of the Resolve: that they might communicate the same to the said Commissioners: but I have not since had any intelligence from them upon the Subject.

I sent to the General Court two Messages concerning it, dated the 11th of *February* and 6th of *March* last, and to which you will please to be referred.

This business, Gentlemen, requires a speedy attention.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 16, 1786.*

Chap. 34

Chapter 34.

[May Session, ch. 34, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Secretary of Congress, by his letter to me of the 22d of *April*, has transmitted Copies of the Treaties, which Congress, by their Commissioners, have entered into with the *Shawanese*, *Cherokee*, *Choctaw*, & *Chickasaw* indian nations.

He observes, that considering how important it is to the whole confederacy, that the Savages on our borders should be impressed with a sacred regard for treaties, and with a firm confidence in our justice & national faith, it is not doubted that the Government of this Commonwealth, will exert the means in its power to enforce a due observance of the several articles of these Treaties, so far as they concern the Commonwealth, or relate to the conduct of its citizens.

The Letter & Treaties, Gentlemen, are herewith communicated to you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 19, 1786.*

Chapter 35.

Chap. 35

[May Session, ch. 35, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a Letter from *James Avery*, Esqr; our Excise Officer at *Machias*, to the Secretary, dated at *Majabagaduce*, of the 31st of *May*, and which accompanies this Message, it appears, that in each Bastion of the Fort, which the British Troops built upon that land, there were Arches and apartments of great thickness, and Bomb proof, in which there cannot be less than four or five hundred thousand of Bricks: That one Mr. *Perkins* is now pulling down those Arches, and selling the Bricks to the inhabitants, as his property, as being on land belonging to him by possession: That this procedure must be an injury to the public, as he conceives those Arches, and the whole remains of the Fort are in fact the property of the Commonwealth, upon whose land the Fort was built; And that the Bricks, if properly taken care of, would be of considerable value to the Government. If this should be your Opinion, Gentlemen, the measures necessary to be taken to secure them for the use of the Government, cannot be too expeditious.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 19*, 1786.

Chapter 40.

Chap. 40

[May Session, ch. 40, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the Post I had a Letter from Mr. *Thomson*, the Secretary of Congress, dated the 9th instant: with which were enclosed the continuation of their Journal from the 3d of *March* to the 2d instant; and also copies of a Treaty of Amity and Commerce, between his Majesty the King of *Prussia*, and the United States of *America*.

The Treaty was compleated by the Signature of the *Prussian* Minister, the 10th of *September* last, at the *Hague*. It was ratified by Congress the 17th of *May*;

and is to be in force during the term of ten years from the exchange of the Ratifications.

The Letter, Journal and Treaty, Gentlemen, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 20, 1786.*

Chap. 45

Chapter 45.

[May Session, ch. 45, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The last Evening I had a Letter from our Delegates in Congress, dated the 18th instant; by which you will observe they had applied to one of the Agents of *New York*, to agree in the nomination of two Judges to compleat a federal Court for determining the controversy between this State and that, relative to the Western territory. But no intelligence had been received from them on that head: occasioned probably by their desire to procrastinate a settlement, until they had disposed of all the lands in controversy.

This idea is suggested by the letter, in which our Delegates say, they should be wanting to the duty they owe the State, if they neglected to give information, that very large quantities of the lands in controversy had, within a few days, been sold at Publick Auction in the City of *New York*, pursuant to an Act of the legislature of that State. And they add, that the silence of *Massachusetts*, more especially as the sales are publick, may hereafter be urged against our right.

After adopting such measures as you shall judge suitable for the present, would it not be requisite, Gentlemen, to invest our Delegates with certain powers relative to that territory, whereby they might be enabled as occasion should offer, to counter-act without delay the proceedings of *New York*, both publick & private, calculated to invalidate our right, and engross the whole territory to themselves?

The said letter enclosed a Letter from the Commissioners appointed by Congress to run the Eastern line of

the State of *New York*, which last letter, is directed jointly to our Delegates, & those of *New York*.

You will observe, Gentlemen, by those letters, which accompany this Message, that one of the Commissioners, Mr. *Hutchins*, cannot attend on this business, which must be postponed for some short time; that they have proposed another Commissioner in his stead: and that our Delegates will give the earliest information of the result. This will be communicated as soon as it shall be received.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 23, 1786.*

Chapter 66.

Chap. 66

[May Session, ch. 66, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

A Committee from the Selectmen of the town of *Boston* have informed me, that agreeably to a vote of the Town, an Oration will next Tuesday, the fourth of *July*, be delivered at the Chapel-Church, in commemoration of the Freedom & Independence of the United States of *America*; that seats will be reserved for the Gentlemen, composing the several branches of the Government; & that the hour of Assembling for the purpose, will be such, as shall be most convenient to them.

As it has been a constant practice, founded on the strictest propriety & fitness, for the Government to commemorate that great Event, which it is most earnestly to be wished, the future annals of *America* may demonstrate to be, not only great, but, in its consequences, glorious & happy; (for effecting which, wisdom & exertion in the present Generation are, under Providence, essentially necessary.) You will probably judge it suitable, that it should be done upon the approaching Anniversary of the Event; & in that case will determine in what manner it shall be commemorated. At the same time, Gentlemen, you will please to let me know what return shall be made to the Message of the Selectmen.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 28, 1786.*

Chap. 85

Chapter 85.

[May Session, ch. 85, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

On the subject of the navigation Act I have just received a Letter from the Naval Officer of the Port of *Boston*. By his Letter and by conversing with him, it appears he has some doubts respecting the operation or the suspension of that Act, as it regards his conduct in Office.

He also mentions, that we shall stand in great need of additional funds to support our Light Houses. On this head he has made several observations, proper for the consideration of the Legislature.

The Letter will be herewith communicated, & you will take such measures concerning the subject of it, Gentlemen, as you shall judge suitable.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 6, 1786.*

Chap. 92

Chapter 92.

[May Session, ch. 92, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The last evening, by Mr. *Henry Thaxter*, I received a Letter from *Stephen Jones* and *James Avery*, Esqrs, dated at *Machias*, the 29th of *June*. They mention in it, that by letters from Col. *Allan*, and Mr. *Delesdernier* (a copy of which was enclosed) they are informed of a most daring insult upon the dignity of this Commonwealth, and the United States, committed on the 26th of that month, by the civil and custom house Officers of the *British Province of New Brunswick*, in seizing two vessels, the property of the Citizens of this Commonwealth, and within the acknowledged jurisdiction of it. Col. *Allan's* letter, dated at *Dudley Island*, the 27th of *June*, mentions, that the Acts of *New Brunswick*, which are now published, extends the western boundary of *Charlotte County*, to the western shore of *Passamaquoddy Bay*;

that the seventh Parish, called the *West Isles*, includes *Moose*, *Dudley*, and *Frederick Islands*, expressly; and consequently that the United States are wholly debarred from all navigation in and into that Bay.

By enquiry of Mr. *Thaxter*, I find the two vessels were seized, as they lay at anchor near the western shore of the West Passage into *Passamaquoddy*. — This conduct corresponds to those acts, and both together, shew a disposition to exclude us from the navigation of that bay, and at the same time must be considered as a violation of the definitive Treaty of Peace between the United States and *Great Britain*.

I have lately received depositions from Mr. *Avery*, abovementioned, dated the 12th of *May*, at *Moose Island*, concerning the conduct of Sheriff *Wier*, an Officer of *New Brunswick*: which have been obtained in consequence of a Resolve of the General Court, passed at the last Session. — These, with the letters above referred to, will be laid before you, Gentlemen, for your information, and determination concerning the subject of them.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 7, 1786.*

Chapter 93.

[May Session, ch. 93, 1786.]

Chap. 93

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The post of last night brought me a letter from our Delegates in Congress, dated the 30th. ultimo, enclosing a copy of a joint letter from them, and the Delegates of *New York*, to Mess'rs. *Erwing* and *Rittenhouse*, two of the Commissioners appointed to settle the eastern boundary line of that State.

It appears by the joint letter, that the Delegates of the two States are of opinion, that the actual running of that line may with greater facility be effected in the fall of the year; & therefore propose the beginning of *October* next as a proper time to commence the executing it: but if that time should not comport with the other engagements of those Commissioners, they say they must submit to its being deferred another year.

They add, that they have such perfect reliance on their integrity, and abilities, as, in case of Mr. *Hutchins's* inability to attend, supercedes the necessity of any other appointment.

You will probably think it proper, Gentlemen, that the Agents on our part, appointed to attend those Commissioners, should, as soon as possible, be notified of the postponement of this business.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 7, 1786.*

Chap. 94

Chapter 94.

[May Session, ch. 94, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

In my address to you at the beginning of the present Session, among other matters of importance, I informed you, that this State, with regard to a balance due to the United States, is considerably in arrear; & that the Loan officer had been with me, requesting, that I would represent to the General Court the urgent necessity which presses for the speedy payment of it. —

I have just received a Letter from the same officer, who has been enjoined by the Commissioners of the Board of Treasury, to renew his application to the Government of this Commonwealth, that some effectual measures may be adopted to hasten the collection of the Taxes appropriated to the United States. — Mr. *Appleton's* application to me on the subject, together with Treasurer *Ivers's* confirmation of the Statement of payments, made since *December 1783*, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 7, 1786.*

Chapter 1.

Chap. 1

[September Session, ch. 1, 1786.]

Pursuant to the Governor's Proclamation of the 13th ult. a number of the Members of both Branches of the Legislature met at the State House in this Town yesterday ; but there not being a Quorum of the Senate, they adjourned to this Day. The Governor, being then duly informed of the Court's readiness to proceed to business, at twelve o'clock, met the two Branches in the Chamber of the Representatives, when his Excellency thus addressed them :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Having received a Letter from Mr. Secretary *Thomson*, enclosing the Requisition of Congress of the second of *August*, and other Acts of that honorable Body, I laid it, with those Acts, before the Council. After due deliberation, they thought it adviseable, the General Court should be convened earlier than the day to which they were adjourned ; in order to consider the subject of that requisition : and the Court's meeting was to have been at a time less inconvenient, than the present, for the Members to attend. It has been judged expedient, however, to call the Court together on a still earlier day ; and accordingly you now stand convened, Gentlemen, by proclamation, in consequence of the unanimous advice of the Council.

The occasion of it, as mentioned in the Proclamation, are the tumults and disorders, which have lately taken place in several Counties within this Commonwealth, and the consequent obstructing the Courts of Common Pleas, and General Sessions of the Peace, in those Counties. — The particular facts will be communicated to you by official letters from each of the Counties, excepting *Hampshire*; from which no such letter has been yet received. The High Sheriff of it however, has given me a verbal account of them, as relative to that County.

In this business, Gentlemen, I will give you a short sketch of the transactions of the Governour and Council, and of the Governour and another advising body, specially called for the purpose ; and then make a few observations,

that may appear to result from the commotions, which have happened.

It is however, to be previously observed, that in all cases, where the detriment or annoyance of the Commonwealth is attempted or enterprized, the Governor, ex officio, by the Constitution is authorized, and it is thereby made his duty, to call forth the inhabitants in martial array; and by force of arms to resist, and repel, all and every such person or persons, as shall at any time, in a hostile manner, attempt or enterprize such detriment or annoyance.

In consequence of that authority, and with the advice of the Council, orders were issued to the Major General of each of those Counties, viz. *Worcester*, *Berkshire*, *Middlesex* and *Bristol*, to hold in readiness such a number of the Militia as the Sheriff, upon a previous consultation with him, should judge needful: who, as a part of the posse comitatus, were to march at the call of the Sheriff, to assist him in the discharge of his duty: a letter of instructions having been sent to each of them on the subject. At the same time, a Proclamation, occasioned by the stopping the Court of Common Pleas in the County of *Hampshire*, was issued by the like advice; requiring all Officers, civil and military, and most earnestly calling upon the good people of the Commonwealth, for their aid and exertions, to prevent and suppress all such violent and treasonable proceedings. And the Governor was directed to prosecute, and bring to condign punishment, the Ringleaders and Abettors of such atrocious violations of law and Government.

Those orders, together with the Proclamation, it was hoped, would have prevented such lawless proceedings in the County of *Worcester*: but, unhappily, they did not. — An account of those proceedings being transmitted to me, in the recess of the Council, by the honorable *Artemas Ward*, esqr; the first Justice of the Court of Common Pleas for that County, I communicated it to a number of Gentlemen of public character whom I convened for that purpose, viz. such of the Council as were in *Boston*, the Senators and Representatives of that town, the Judges of the Supreme Judicial Court, and the Attorney-General: to whom I also communicated the transactions of the Governour and Council, in consequence of the proceedings in the County of *Hampshire*. — I then requested their

advice, what further measures were necessary to be taken, in support of the Judicial Courts, that were the following week to sit in three of those Counties. Their votes, upon the occasion, will shew their opinion and advice : to which the measures, that were pursued, were conformable. To those votes, to the proceedings of the Council, and to the several letters and papers, that relate to the transactions of the Insurgents in the several Counties, you will please to be referred for fuller information.

What led to the unwarrantable and lawless proceedings of those insurgents will be a necessary subject of serious Inquiry. The investigating the true causes of those proceedings may point out the proper remedy of them in future. But whatever may be the causes, it is impossible they should amount to a sufficient and justifiable reason for them. Every complaint, or grievance, that can be offered, as a reason to palliate them, is, from the nature of the Constitution, redressible by the General Court, the only body, within whose department it is, to redress public grievances. The application, therefore, to all other bodies, and all other modes of redress, are anticonstitutional, & of very dangerous tendency, even when attempted in a peaceable manner : but much more so, when attempted by acts of violence, for preventing the execution of the laws, and the due administration of Justice.

These observations are strictly just, where there is a constitutional mode for the redress of grievances : and especially where those in Government, who have the power to redress, annually depend on the people for political existence.

If at present, or in any future time, there should be any real grievances subsisting, they ought to be, and there is a moral certainty they will be, redressed : for no tax or burthen, of any kind, can be laid upon the people, that does not equally affect, the persons who lay them ; and if, through inadvertence, mistake, or any other cause, their Acts are productive of any grievous or unsalutary effect, they themselves must feel it ; and therefore will be prompted, not only from a principle of duty to their constituents, but from their own feelings, to repeal or alter the obnoxious Act.

Hence appears the excellency of our Constitution of Government, which, in this way, so effectually secures the people of the Commonwealth from every species of op-

pression and grievance.—To an inattention to this capital and essential circumstance, it must be owing, that so many of the good people of those Counties have been unhappily and incautiously induced to support, or not oppose, the destructive measures, which artful and wicked men have, for some time past, been pursuing; and which, with indefatigable industry, they are still pursuing. Some of the fruits of those measures have already appeared, by their obstructing the Courts of Justice in several Counties; by their liberating the Prisoners from the Goal of one of them; and by their endeavouring to destroy all confidence in Government; and *that* security to life, liberty and property, which results, and can result, only from the firm union of the whole; and from the application, if necessary, of the strength of the whole to the protection and preservation of any of its parts; and for the obtaining of which, this people have expended so much of their wealth, and, what is more valuable, so much of their blood.

If *that* security, confirmed by the Constitution, and which is the great object of it, was worth obtaining at so much expence, it must be worth preserving: but the preservation of it must depend on the people themselves.

If in any County, upon any emergency — such an one as hath lately happened, relative to the Courts of Justice — the Militia, considered as the posse comitatus, are, in a constitutional way, called upon to assist the Sheriff and the Court, in the discharge of their duty, and refuse to appear; or appearing, join the insurgents, the laws cannot be executed, nor justice administered, in such County, even by recurring to other Counties for assistance; for obtaining of which there could not be sufficient time. The good people of such County must in that case be liable to, and be in danger of, all the evils, that may arise from a suspension, or prostration of law and justice.

If this be the unhappy case, in regard to any of the aforementioned Counties, is it not adviseable for them to consider, whether it be not the result of their own supineness or inattention? Whether the evils that have arisen, or may arise from such a cause, be not chargeable upon themselves? whether any adequate and complete remedy can be applied without their own exertion? and whether, in connection with it, the laws and Constitution do not afford such a remedy?

In fact, if the good people of the Commonwealth, when

called upon by the civil authority, and especially by the Supreme Magistrate, would duly exert themselves, the remedy against such evils would be complete ; but without such exertion, the best remedial laws, made upon the plan of the Constitution, which has provided no other resource, would be ineffectual ; and prove as baseless as the fabrick of a vision. Upon this idea of non-exertion, the provision made by the Constitution is a nullity, so far as it respects the means of securing the public peace, and the due execution of the laws : and the people will deceive themselves, if they expect any benefit from it in that regard, independent of their own exertion.

But jealousy, or something worse, may suggest, that such obedience to the calls of the Supreme Magistrate may involve the Commonwealth in difficulties ; and possibly subject it to his arbitrary sway, or even to his caprice.

Jealousy, or rather circumspection, to a certain degree, is a political virtue : but carried to excess, defeats its own views ; and may deprive the Commonwealth of every benefit, expected to be derived from such a Magistrate ; especially in matters, that concern its internal peace.

If it should so far operate as to destroy the public confidence in him, very little benefit could be expected from his administration, especially in all important cases, where that confidence might be necessary.

Such a confidence in Government is, in my estimation, so necessary to its beneficial operation ; and so essential to the happiness of the people, that, in justice to them, I am obliged to declare, that it is the indispensable duty of the people to elect no man for their Governour, in whose rectitude and character they cannot place a firm and entire confidence. And it must be the wish of every elected Governour, guided by honest principles, and possessing a proper independency of spirit, that unless the public suffrage be accompanied with the public confidence, if in fact they can be separated, it might be transferred from himself to some qualified man, who is the object of that confidence.

In regard to the Constitution — ample powers, all of which are necessary for the peace, security and welfare of the Commonwealth, are vested by it in the Governour : but the good effects, that might result from the exercise of the most important of them, must be through the medium of the people.

If, for instance, by virtue of those powers, he should, upon any emergency, call upon the people for their aid, it is by the Constitution made their duty to give it: and their refusing or neglecting to give it, might operate to the great detriment of the Commonwealth, or of the County, from which the aid was demanded: but no real detriment could accrue to either, from the exercise of that power, if he had sufficient discretion to direct it. But admitting, that through indiscretion or mistake, he should make an unnecessary call, which is by no means probable, the ill effects of it would amount only to an inconvenience: the chance of which must be risked rather than hazard the peace and safety of the Commonwealth.

If these observations be just, it is, on the one hand, the duty of the Governour to call upon the people for their aid, when emergencies or the public safety, concerning which he is constituted the Judge, shall require it: and on the other hand, it is the duty of the people, and it may be essential to their own peace and safety, to give the demanded aid.

If these, and other reciprocal duties, be punctually discharged, the Constitution will answer the great and good purposes, for which it was made; and which it is, in that case well calculated to answer.

Whether these duties have been faithfully discharged on the part of the present Governour, it is not for me to determine; but had the good people of some of the Counties, above-mentioned, discharged the duty incumbent on them — the duty they owe to themselves, and to the State at large, in reference to the late insurrections — the Constitution and the laws would not, it is presumed, have been so grossly violated; the dignity of Government would not have been insulted; nor that essential part of it, the honorable the Senate and House of Representatives, now put to the trouble and inconvenience of assembling, at this busy season of the year.

I have thus laid before you, Gentlemen, an important part of the business, for which you are convened: and it cannot be doubted, that you will take the most vigorous measures, effectually to vindicate the insulted dignity of Government; enforce obedience to the laws; and secure the good people of the Commonwealth against all future infractions upon their peace; and in particular, against every outrage upon their Courts of Justice.

Among those measures, as respecting future emergencies, the quickest in operation, and the most effectual, would be, to insure from the people a ready and spirited observance of the calls and orders of Government: and in such measures — measures vigorous & effectual — you may be assured, Gentlemen, of my hearty concurrence.

A speedy attention to such measures becomes more important, as by letters I have just received from the Major General, and the High Sheriff, of the County of *Hampshire*, there were great appearances of an intended attempt to obstruct the sitting of the Supreme Judicial Court in that County.

Those letters, dated the 25th instant, at *Springfield*, where that Court was to sit the next day, will, with the other letters and papers, be laid before you by the Secretary.

Another important business Gentlemen, which requires your speedy attention, is the requisition of Congress for the services of the present year: but this with other matters, necessary for your consideration, will be communicated by message.

JAMES BOWDOIN.

COUNCIL CHAMBER, *September 28, 1786.*

Chapter 2.

Chap. 2

[September Session, ch. 2, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

Since the recess of the General Court, I have received a Letter from Mr. Secretary *Thomson*, of the 12th of *August*, enclosing sundry Acts that had been lately passed by Congress; Among them are — A resolve, containing a requisition for the present year; An ordinance for the regulation of Indian affairs; An Act, fixing the standard of Gold and Silver, the weight and value of the money unit; the money account of the United States; and the different species of coins. And An Act, again recommending to the States of *North Carolina*, *South Carolina*, & *Georgia*, the making to the United States, cessions of their claims to Western territory, for the use of the United States.

With regard to the first, the resolve requires, that for the services of the present year, 1786, for the payment of the interest, and two instalments of principal on the *French and Dutch* loans, that are payable according to the contracts in the beginning of the year, 1787, and for the payment of one year's interest on the domestic debt, there shall be paid into the common treasury, on or before the first day of *January* next, *three millions, seven hundred and seventy seven thousand, and sixty two dollars, and forty three ninetieths of a dollar*. Of that sum, the quota assigned to be paid by this Commonwealth, is *three hundred twenty four thousand, seven hundred and forty six dollars in specie, and two hundred and forty thousand, three hundred and seventy dollars in indents*.

This requisition, when paid, will be passed to the credit of the States, respectively, on the terms prescribed by the resolve of Congress of the 6th day of *October*, 1779, one of which is, "that the several States be respectively charged with annual interest of *six per cent*. on all deficiencies in the payment of the several quotas, which have been, or may be required of them."

As *one million, six hundred and six thousand five hundred & sixty dollars*, of the sum called for, is to be applied to the payment of the interest of the domestic debt, the several States are allowed to discharge the same by indents or certificates, for interest on loan office certificates, and upon other certificates of the liquidated debts of the United States; such interest to be settled, and certified by the loan Officer, to the last day of the year 1785.

Provided, that such loan Officer, shall not on any pretence whatever, settle or issue any certificate for such interest, until the state, for which he is continental loan Officer, shall have passed an Act, providing adequate funds for complying with this requisition.

And for preventing the depreciation of such certificates, the Legislature of each State, is required to provide in the act complying with this requisition, that if, on the first day of *July*, 1787, the State's quota of the said certificates so to be issued, shall not be in the hands of the State Treasurer, or other proper Officer, the deficiency shall be collected and paid into the Continental treasury in specie; which, when so paid, is by the said resolve, appropriated to the redemption of such Surplus certifi-

cates. And the said resolve further provides, that the State receiving such certificates, and paying the same into the public treasury, with the proportion of *one dollar, and one third in Specie, for one dollar in such certificates or indents*, shall have credit therefor: and that such payment shall be considered, as a discharge of the interest on the domestic debt, in the proportion that each State avails itself of the said certificates of interest.

These appear to be the essential parts of the requisition, to which the attention of the General Court is most necessary.

The requisition is made, in virtue of the powers of the Confederation; and is declared by Congress, to be obligatory on the States as such: which is a circumstance, Gentlemen, that requires your particular attention.

In the last preceeding requisition, after the most solemn deliberation, & under the fullest conviction, that the public embarrassments were such, as they had represented, Congress thought it their duty, explicitly to declare, that the crisis had arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide, whether they will support their rank as a nation, by maintaining the public faith at home and abroad? or whether, for want of timely exertion, and thereby giving strength to the confederacy, they will hazard, not only the existence of the Union; but of those great and invaluable privileges, for which they have so arduously, & so honorably contended?

And to the end, that Congress might remain wholly acquitted from every imputation, of a want of attention to the interest and welfare of those, whom they represent, they further declare, that whilst they are denied the means of satisfying those engagements, which they have constitutionally entered into for the benefit of the nation, they hold it their duty to warn their constituents, that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and from a violation of those principles of Justice which are the only solid basis of the honor and prosperity of nations.

Upon this occasion, Gentlemen, I would only observe, that these sentiments of Congress, so important in themselves, and so lately expressed, appear to merit your serious consideration; for which the aforesaid requisition,

in connection with those sentiments, is now laid before you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *September 29, 1786.*

Chapter 4.

[September Session, ch. 4, 1786]

Chap. 4 Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*.

By the last Post, I received a letter of the 14th of *September*, dated at *Annapolis* in *Maryland*, from *John Dickinson*, Esqr; Chairman of the commissioners, lately assembled there for the purpose of forming Commercial regulations for the United States.

It was accompanied with a Copy of their report to the Legislatures of those States, by whom they were deputed: & it appears by it, they had separated, without entering upon the business for which they were appointed. The like information, I had some days before received by a letter from the gentlemen appointed on our part, Commissioners in that business. The reason of the separation, as given in the report, is, that the express terms of the delegated powers, supposed a deputation from all the states; & having for its object the trade & commerce of the United States, they did not conceive it advisable to proceed on the business of their mission, under the circumstances of so partial & defective a representation: there being only five States represented.

Deeply impressed however, with the magnitude & importance of the object confided to them, they could not forbear to express their earnest & unanimous wish, that speedy measures may be taken to effect a general meeting of the States, in a future convention for the same, & such other purposes as the situation of public affairs may be found to require.

Under that impression, the Commissioners beg leave to suggest their unanimous conviction, that it may effectually tend to advance the interest of the Union, if the States, by whom they have been respectively delegated, would themselves concur, & use their endeavors to procure the concurrence of the other States in the appointment of Commissioners to meet at *Philadelphia*, on the

second monday in *May* next, to take into consideration the situation of the United States, to devise such further provision, as shall appear to them necessary to render the Constitution of the federal government, adequate to the exigencies of the Union; & to report to Congress, such an Act for that purpose, as when agreed to by them, and afterwards confirmed by the legislature of every State, will effectually provide for the same.

The aforesaid Letters & report, will be laid before you, Gentlemen, for your further information; & for your consideration of the subject matter of them.

A letter from one of our Delegates in Congress, the honorable Mr. *King*, dated *Philadelphia*, the 17th of *September*, relative to the same convention, is herewith also communicated.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 2, 1786.*

Chapter 5.

Chap. 5

[September Session, ch. 5, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

On the subject of the insurrection in the County of *Hampshire*, for preventing the sitting of the Supreme Judicial Court, the last week, at *Springfield*, I have already communicated to you, letters from the Major General, and the high Sheriff of that County.

By the Post of last Saturday, I received another letter from the Major General, giving a further account of his proceedings: & yesterday two of the Judges of that Court returned from *Springfield*; who have given me a circumstantial account, under their signature, of the proceedings of the Court; of what passed between the Court & the insurgents, and between a body of the militia, & those insurgents.

To that letter & account, and to the papers accompanying them, you will please, gentlemen, to be referred for a full and particular information.

Upon this occasion it gives me pleasure to observe, that the Court behaved with great firmness & propriety: & in a manner that dignifies their dignified character. It is equally just to observe also, that the major General in

particular, the Officers in General, & the whole body of militia, that assembled for the protection of the Court, conducted like men impressed with a sacred regard for the Laws & Constitution of their Country; and determined at every risk to support them; & their strict discipline & military conduct, entitle them to singular honor: to which the high Sheriff of the County, for his good conduct, is also entitled.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 2, 1786.*

Chap. 7

Chapter 7.

[September Session, ch. 7, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Commissioners appointed by a resolve of the General Court, of the sixth of *July* last, to treat with the *Penobscot* tribe of Indians, respecting their claim to lands on *Penobscot River*, have with their letter to me, dated at *Penobscot*, the 30th of *August*, transmitted a report of their proceedings with those Indians.

By the report it appears, that it was agreed by the said Indians on their part, that they would relinquish all their claims & interest to, & in all the lands on the west side of *Penobscot River*, from the head of the tide, up to the *River Pasquataquiss*, being about forty three miles; and all their claims & interest on the east side of the River, from the head of the tide aforesaid, up to the *river Mantawomkeektook*, being about eighty five miles; reserving only to themselves, the Island on which the Old Town stands, about ten miles above the head of the tide, & those Islands on which they now have actual improvements, in the said river, lying from *Sunkhaze River*, about three miles above the said old town, to *Passadunkee island* inclusively; on which Island their new town, so called, now stands.

In consideration hereof, the Commissioners, in the name & behalf of the Commonwealth, engaged, that the said Indians should hold & enjoy in fee, the islands reserved as aforesaid, & the fee of two islands in the bay, called & known by the names of *white island*, and *black island*, near *Naskeeg point*. And the commissioners further agreed

that the lands on the west side of the *River Penobscot*, to the head of all the waters thereof, above the said *river Pasquataquiss*, & the lands on the east side of the river, to the head of all the waters thereof, above the said *river Mantawomkeektook*, should lie as hunting ground for the Indians, & should not be laid out or settled by the State, or engrossed by any individuals thereof: and they further agreed, to make the Indians a present of three hundred & fifty blankets, and two hundred pounds of powder, with a proportion of shot and flints.

And the Indians on their part further agreed & engaged, that as soon as the agreement should be confirmed on the part of the Commonwealth, & the blankets, powder, shot & flints delivered, that they would sign a relinquishment of all their right & interest to the lands, agreeably to the above contract.

The sketch of the river from the head of the tide to its source, will give an idea of what the Indians have surrendered, and what they retain. — As the Commissioners think it a matter of real importance, that the blankets & other articles should be forwarded, as soon as may be, you will probably think fit, Gentlemen, to make provision for that purpose; & appoint the Chairman, or some one of the Commissioners, to compleat the negociation, by delivering to those Indians the stipulated articles, upon his receiving in behalf of the Commonwealth, a proper deed of the ceded lands.

At the same time he should be instructed to attend to their complaints, in regard to the fraudulent conduct of a *french* priest among them.

The same Commissioners by another report, & letter of the 12th of *September*, have in consequence of their instructions, given it as their opinion, that it is a matter interesting to the Commonwealth in general, as well as to the inhabitants settled to the eastward of *Penobscot river*, that a road should be opened therefrom, eighty feet wide, to the Bay of *Passamaquoddy*, near the mouth of *Schooduck river*: the lines of which road are particularly described. That there is a number of plantations to the eastward of *Penobscot river*, proper to be incorporated, and whose circumstances require it. — That there is a number also to the westward of *Penobscot*, to whom incorporation would be beneficial; but the Commissioners are restrained from reporting as fully in favour of incorporations on that side

of the river, because the limits & extent of several patents & claims are not yet ascertained & agreed on.

That the great remove of the people in the eastern part of the County of *Lincoln*, from the Courts of Justice makes it needful, that two new Counties should be formed there: the lines of which are described. — That many marriages having been performed in that County, in a way not agreeable to Law; a return of such should be made to the Secretary's Office for confirmation by Acts of the Legislature: — That for want of the late Tax-Acts, they have not known in what mode to make assessments of taxes —. That a new edition of the Laws, especially for that Country, has become highly necessary: & that a Proclamation should be issued, relating to, & forbidding all trespasses on lands there, belonging to the Commonwealth.

These matters, gentlemen, concerning which, the several reports & letters of the Commissioners will give you fuller information, appear to merit the attention of the General Court.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 4, 1786.*

Chap. 8

Chapter 8.

[September Session, ch. 8, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

In the recess of the General Court, I had a visit from the Chiefs of the *Moheakonuck*, or *Housatonack* tribe of Indians, who have lately removed from *Stockbridge* to *Oneida*; after representing their faithful services during the late war, in the cause of *America*, & their having fought & bled in that cause, they expressed a great desire that their children might be instructed in the *english* language; but being destitute of the means of instruction, they requested a few books for that purpose, and such other things as the General Court might think proper to supply them with.

I promised them, that as soon as the Court convened, I would lay before them their representation; and that the determination had thereon, should be communicated

to the Hon. *Jahleel Woodbridge*, esq^r or to the rev^d Mr. *Sarjeant* of *Stockbridge*, who would inform them of it.

The papers I received from them, and a copy of the letter sent to them, dated the 31st of *August* last, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 5*, 1786.

Chapter 9.

Chap. 9

[September Session, ch. 9, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

With a Letter from the Board of Treasury of the United States, dated the 25th of *September*, I have received an Act of Congress of the 18th of that month, stating that the Legislatures of the States of *Rhode Island* and *New Jersey*, have by their Acts, made the paper currency of those States receivable on the arrears of taxes due to the United States.

On this statement it is observed, that no such deviation can be admitted from the mode of payment established by the requisitions of Congress, without exposing the funds of the United States to great loss, and without defeating the object of those requisitions; and that if such precedents were admitted, the consequences would be dangerous to the interests of the Union.

Whereupon, Congress *Resolved*, that as the annual requisitions of the United States in Congress assembled, were made by them in virtue of the powers of the Confederation, and for the necessary purposes of Government, the same are obligatory on the States as such; and ought to be discharged by them, in the manner by the said requisitions directed, and in no other.

And they further *Resolved*, that as the payment of the interest and such parts of the principal of the foreign debt of the United States, as are included in any of the requisitions of Congress, and the maintenance of the federal Government, cannot be provided for, but by payments in specie, into the federal Treasury, of the sums respectively required of the States therein, no payments, either in bills of credit, or in any other mode than those

pointed out by the said requisitions, can or ought to be admitted in discharge of the same, and that the board of treasury transmit a copy of the above resolutions to each state, and issue instructions to the respective loan offices, conformable thereto.

Upon this occasion, it is observed by the Board of Treasury, and the observation, Gentlemen, you will doubtless think very just, that the reasons which induced Congress to enter into those resolutions, are so evidently dictated by a regard to the great interests of the Confederacy, it cannot be doubted, that the wisdom of the several Legislatures will discern the propriety of acting in strict conformity to them in all their proceedings, relating to the collection of the revenue appropriated for the service of the United States.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 5, 1786.*

Chap. 14

Chapter 14.

[September Session, ch. 14, 1786.]

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*.

I have lately received a letter from Mr. *Peter Savary*, a *French* Gentleman, dated at *Alexandria in Virginia*, the 12th of *September*, concerning a debt due from this Commonwealth, to Mess'rs. *Penet, De Costa* and Company, in *France*.

For that debt the Treasurer, pursuant to a resolve of the General Court of the 9th of *October, 1783*, gave five notes to the said *Savary*, as attorney to that Company, dated the 10th of that month; four of which notes are now payable, amounting to *nine thousand eight hundred forty nine pounds twelve shillings*, and the other for *three thousand two hundred eighty three pounds four shillings*, payable the 10th of *October, 1787*: the whole being *thirteen thousand one hundred thirty two pounds sixteen shillings*, lawful money, principal, payable with interest from the date, as appears by the Treasurer's certificates.

On the subject of this debt, I had a letter from Mons^r *Savary*, of the 30th of *July* last, soliciting with great warmth, the payment of it. To that letter I sent him an answer, dated the 14th of *August*, to which the first mentioned letter is a reply.

The several letters and the certificate, will accompany this message: in consequence of which, you will take, Gentlemen, such measures for paying the debt, as you shall think proper.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 6, 1786.*

Chapter 15.

Chap. 15

[September Session, ch. 15, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I am informed there is now an opportunity of purchasing at a reasonable rate, several pair of brass field pieces, four pounders, very suitable for our artillery companies, and of which the Government is not possessed of a sufficient number, to supply those companies. I would recommend it to your consideration, Gentlemen, whether it would not be proper to empower the Commissary General, to make a purchase of them for the use of the Commonwealth.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 10, 1786.*

Chapter 23.

Chap. 23

[September Session, ch. 23, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A letter has been lately received from Mr. *William Cleveland*, Collector of Impost & Excise, for the western District of the County of *Essex*: signifying his resignation of that Office, or his non acceptance of the new appointment. —

As it is needful the vacancy should be supplied as soon as may be, you will doubtless think proper, Gentlemen, to proceed to the appointment of a suitable Officer for that purpose.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 11, 1786.*

Chap. 24

Chapter 24.

[September Session, ch. 24, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The deficiency in the representation of the United States in Congress, occasioned their resolution of the 14th of *July* last, transmitted to me by Mr. *Thomson*, with his letter of the 26th of that month.

It respects the claim, which, by the Confederation, the whole Union has on its parts for the formation of the Sovereignty; and the duty of the States, seasonably to send forward their Delegates: and it concludes with the declaration, that the State, neglecting so to do, becomes responsible to the Union for the delays and evils, which may ensue from such neglect.

Since that Resolution, whether influenced by it or not, the States have been much more fully represented than for several months before it, as appears by the State of the Representation for the months of *July*, *August* and *September*, exhibited by the Secretary of Congress, with his several Letters, accompanying this message.

He has also transmitted the Continuation of the Journal of Congress, from the first of *June*, to the 20th of *September*; which, Gentlemen, with his letters enclosed with it, will be laid before you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October* 11, 1786.

Chap. 25

Chapter 25.

[September Session, ch. 25, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A few days ago I received a Letter of the 22d of *September*, from the honble *John Jay*, Esqr; Minister of the United States, for foreign affairs, accompanied with an extract of a Letter to him, from the Honble Mr. *Adams*, the Minister of the United States in *London*, dated the 15th of *July* last.

By that part of Mr. *Adam's* Letter respecting the conduct of Captain *Stanhope*, when in *Boston* the last year,

in the *British Frigate Mercury*, it appears, that the Lords of the *British* admiralty, had called upon Capt *Stanhope*, for a justification of his conduct to Governour *Bowdoin*, and had received from him, a Letter intended for that purpose, which their Lordships however thought no apology for it. That their Lordships had accordingly signified to Captain *Stanhope*, their sensible displeasure at his conduct; and as the *Mercury* had been ordered home from the *American* Station, their Lordships would take special care, that he should be no longer continued in that service.

By the same Letter, it also appears, that the Secretary of State, the Marquis of *Carmarthan*, had informed Mr. *Adams*, that he would speak to Lord *Sidney*, concerning the affair of the eastern line, in order that Sir *Guy Carleton*, might have instructions concerning it, before he went out for his Government of *Canada*.

What the nature of those instructions will be, does not appear to have been mentioned to Mr. *Adams*. But it is observed by Mr. *Jay*, that as it is the interest of Neighbours, to have all questions of Boundary amicably and finally settled, there is reason to hope they will be such as may promote that desirable end.

With respect to the affair of Captain *Stanhope*, a message was sent the 7th of *February* last, to the General Court, concerning it. In consequence of the Message, a Committee was appointed to frame and report a bill for settling a mode of process against delinquents, in cases wherein the Government of the Commonwealth should be insulted, and for providing an adequate redress; but nothing was compleated upon the subject.

Permit me, Gentlemen, to refer you to that message, and the papers which accompanied it; and to repeat the observation, that unless some special provision be made in such cases, it may be expected, that the same man, or others of a like disposition, will be encouraged to insult the Executive Government of the Commonwealth: the honour of which is so intimately connected with that of the Legislative, that in cases like the present, they are inseparable.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October* 12, 1786.

Chap. 28

Chapter 28.

[September Session, ch. 28, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

This serves to introduce to you, a Letter from the honorable *Nathaniel Gorham*, Esqr; dated the ninth instant, at *New York*.

You will observe by it, Gentlemen, that he accepts your appointment of him, as a Delegate in Congress for the coming year; and that he will endeavour to serve the Commonwealth, according to the best of his ability.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 13, 1786.*

Chap. 29

Chapter 29.

[September Session, ch. 29, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

In the afternoon of yesterday I received a letter from Colonel *Ezra Badlam*; giving information, that on the night of the tenth instant, a number of persons, with five teams, attempted to take away the Cannon in the Forts, on the heights of *Dorchester Neck*; that one *Joel Eaton*, from *Taunton*, was the Conductor of those Teams; and that Doctor *Holden*, Captain *Thomas Williams*, and Lieutenant *Aaron Bird*, detected them in the fact, and prevented the completion of their felonious design.

This high handed offence, by which it was intended to rob the Commonwealth of the means of its safety and defence, merits, Gentlemen, your immediate attention.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 13, 1786.*

Chap. 47

Chapter 47.

[September Session, ch. 47, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have received from *James Apthorp*, Esqr; four new Maps of the State of *New Hampshire*, which have been

sent to him by *Paul Wentworth*, esqr; of *London*, & which Mr. *Wentworth*, desires may be presented to the Governor, the Governor & Council, the Senate, & the House of Representatives; one to each.

Those presented to the Honoble Senate & House, are now sent to you, Gentlemen, by the hand of the Deputy Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 21, 1786.*

Chapter 55.

Chap. 55

[September Session, ch. 55, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

In consequence of your Message delivered to me in the afternoon of last Saturday, respecting an apprehended opposition to the sitting of the Supreme Judicial Court at *Taunton* to morrow, I convened the Council; to whom I communicated the said Message, together with such verbal information upon the subject, as the Gentlemen, your Committee, furnished me with. After a due deliberation, the Council thought it adviseable, that a letter, then written under their direction, should, with a copy of the message, be immediately forwarded to Major General *Cobb*, at *Taunton*. Accordingly the Letter was sent the same evening by Express, who has returned, with the General's answer dated yesterday; in which he says, he shall make use of every exertion to support the dignity of Government, that the shortness of the time will permit; and that in case of failure, there shall be no cause to complain of the want of exertion in the friends of Government there.

It is hoped, from the known spirit of that officer, that notwithstanding the shortness of the time, he will be able to collect a sufficient force, under the direction of the high Sheriff, to support the Court.

A copy of the letter, with the answer, is herewith communicated.

Upon this occasion Gentlemen, it is my duty to remind you, that the Supreme Court, are the next week to sit at *Cambridge*, in the County of *Middlesex*, and that there is now sufficient time for the carrying into execution, any measures you shall judge proper to be taken, to insure

the due administration of Justice in that County; and to vindicate the honour of Government.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 23, 1786.*

Chap. 63

Chapter 63.

[September Session, ch. 63, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The post of last evening brought me a letter from Mr. *Thomson*, Secretary of Congress, enclosing an Act of that honorable body, dated the 20th instant, for augmenting the troops in the service of the union, to the number of two thousand and forty men, non-commissioned Officers and privates: the same being passed by the unanimous vote of the ten States, then represented.

The intelligence, on which the Act is grounded, is, that there is a combination of a number of Indian nations, for the purpose of making war upon the United States; that they are labouring to draw in other nations to unite with them in the war; that from the motions of the Indians to the Southward, as well as the Northward, and the exertions made in different quarters, to stimulate the various nations, there is the strongest reason to believe, that unless the speediest measures are taken, effectually to counteract and defeat their plans, the war will become general; and may be attended with the most dangerous and lasting consequences. That Congress therefore deem it highly necessary, that the troops in the service of the United States, be immediately augmented, not only for the protection and support of the frontiers of the States, but to establish the possession, and facilitate the surveying and selling of the Western lands, which have been so much relied on, for the reduction of the debts of the United States.

The additional troops, which are to be raised for the term of three years, unless sooner discharged, and which with the troops, now in service, are to be formed into a legionary corps are to consist of thirteen hundred and forty non-commissioned officers and privates.

They are to be raised by several States, in the following proportions, *viz.*

<i>New Hampshire</i> , 260	}	Infantry & Artillery, . . .	1220
<i>Massachusetts</i> , 660			
<i>Rhode Island</i> , 120			
<i>Connecticut</i> , 180			
<i>Virginia and Maryland</i> , each 60 Cavalry, making		. . .	120
			1340

and those States are requested by Congress, to use their utmost exertions, to raise with all possible expedition, the quota of troops respectively assigned to them.

Agreeably to the said Act, the Secretary at War, by his letter of the 21st instant, has informed me, that the proportion of commissioned officers for the men to be raised in this State, will be as follows, *viz.*

Infantry, — One Lieutenant Colonel, Commandant,
 Three Majors,
 Nine Captains,
 Nine Lieutenants,
 Nine Ensigns,
 One Surgeon,
 Three Surgeons Mates.
 Artillery, — Two Captains,
 Four Lieutenants.

The pay and allowances to the troops will be the same as established by the Act of Congress, of the 12th of *April*, 1785.

As it is of great importance, that the United States should be prepared against so formidable a combination, you will take such measures, Gentlemen, as the importance of the occasion makes necessary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 27*, 1786.

Chapter 77.

Chap. 77

[September Session, ch 77, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have just had delivered to me, a letter from the County of *Hampshire*, dated a few days ago: which, as it gives information of measures the insurgents are taking there, that are very dangerous to the peace & safety of

the Commonwealth, I think it highly necessary should be immediately communicated to you. —

It appears by it, that circular letters are sent to many towns in that County, directed to the Selectmen, & requiring them to assemble immediately the inhabitants of their respective Towns; & to see that they are furnished with ammunition & arms, & are organized with officers according to law; and that some of those letters have this addition, that the Militia be furnished with sixty rounds of Cartridges, & stand ready to march at a minute's warning.

It also appears, that a County Convention is to be holden at *Hadley*, on the first Tuesday of *November*, which is to-morrow: for the purposes mentioned in the notification; a copy of which with the aforesaid original letter, is herewith communicated.

These proceedings, Gentlemen, are of a very alarming nature, & require your immediate attention.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 6, 1786.*

Chap. 78

Chapter 78.

[September Session, ch. 78, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The mode pointed out by your resolve of the 8th of *July* last, for augmenting the garrison at the *Castle*, by Government Pensioners, having proved ineffectual, and the commanding Officer there, having represented the necessity of augmenting the garrison, by reason of the increased number of Convicts, I directed him by advice of the Council, to inlist for that purpose, not exceeding fifteen men, for the security and protection of the garrison and stores there, until the further order of the General Court.

Most of those men have been inlisted, and will be needed there at least until the Goal, now building on that Island, shall be compleated.

You will please, Gentlemen, to make an establishment for them, and for such a length of time, as you shall judge necessary.

An extract from the minutes of Council relative to this business, will accompany this message.

On this occasion, Gentlemen, you will permit me to remind you of the exhausted state of the public magazines, in regard to powder.

In order to the procuring a sufficient quantity of it, you passed a resolve the eighth of *July*, in consequence of my messages to the General Court, of the 21st of *February*, and the 8th of *June* last, in which resolve you declare, that it will be expedient to grant a tax upon the polls and estates in this Commonwealth, sufficient to procure fifty tons of Salt Petre, to be paid in money or Salt Petre, on or before the first day of *July* next.

This matter, Gentlemen, respecting a sufficient supply of Powder in the public magazines, is of so much importance to the safety of the Commonwealth, that you will probably think, an immediate attention to it necessary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 7, 1786.*

Chapter 79.

[September Session, ch. 79, 1786.]

Chap. 79

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A few days ago arrived here from *France*, by the way of *New York*, Monsieur *Gregoire* & his Lady. They claim in her right, a tract of land in the County of *Lincoln*, fronting on the Sea two leagues, & extending from thence into the land two leagues; together with the Island of *Mount Desert*, & the neighbouring Islands: the said tract of two leagues square having *Mount Desert* in its front.

They represent their claim to be founded on a Grant made to her Grandfather, Monsieur *La Motte Cadillac*, in 1688, under the authority of *Louis XIV.* then King of *France*.

I received by Monsieur *Gregoire*, a Letter from the Marquis *La Fayette*, dated at *Paris*, in *August* last, & a Letter from Mons^r *Otto*, *charge de Affairs* to Congress, from our illustrious Ally, the King of *France*, dated at *New York*, the 23d of *October*, in which Letters they recommend the Claim of Madame *Gregoire* to the con-

sideration of this Government; as the land claimed is within its Jurisdiction.

A memorial in behalf of the Claimants, was presented to the General Court, by the Consul of *France*, in *June* 1785: but nothing final was done thereon.

As the Claimants are come hither from *France*, for the purpose of settling this claim with the Government, it is their earnest prayer, that the General Court would give an immediate attention to it; agreeably to their Petition herewith exhibited.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November* 7, 1786.

Chap. 82

Chapter 82.

[September Session, ch. 82, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House* of *Representatives*.

By the Post I received a letter from our Delegates in Congress, in answer to one from me, which was written at your request. The letter will be laid before you, and you will observe by it, that in obedience to the resolve of the General Court, they had requested of Congress a prolongation of the time, for receiving Indents of interest, on the requisition of the 27th of *September*, 1785.

A report on that request, is now before Congress: but no decision can be had, until their next meeting after their dissolution, which was to take place in a few days. Our Delegates however say, they can discover no certain inconvenience which will arise from the want of a present decision, as in most of the States, which have passed legislative Acts on that requisition, the collection is equally in arrear with *Massachusetts*. There is therefore, they apprehend, the highest probability, that a large majority of the States, will be in favour of extending the time, within which such Indents may be received, and it seems to be their opinion, that the General Court may extend it within reasonable limits accordingly: confiding, that in such case, the Indents will, by a proper Act of Congress, be admitted to be passed to the credit of the Commonwealth, upon their quota of that requisition.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November* 8, 1786.

Chapter 84.

Chap. 84

[September Session, ch. 84, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have this day received a letter from Major General *Cobb*, dated at *Taunton*, the 30th of *October*; giving an account of his proceedings in calling forth the Militia, for the protection of the Supreme Judicial Court, in their late Session there.

The conduct of the Volunteers, and of several companies of Militia that were called forth for that purpose, deserves great commendation; & it gives me pleasure to communicate the letter, that you may be informed, how well, & with what spirit they distinguished themselves upon that occasion.

For the particulars you will please, Gentlemen, to be referred to the letter of General *Cobb*; whose vigilance, spirit, & activity, in this & other services, do him great honor.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 9, 1786.*

Chapter 89.

Chap. 89

[September Session, ch. 89, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

In consequence of the resolve of the General Court, relative to the *Penobscot* Indians, General *Lincoln* was appointed, by advice of the Council, to complete the agreement, which he and the other Commissioners, connected with him in that business, had made with those Indians in *August* last.

Unfortunately, the Indians were gone upon their Fall Hunt: by which means he had an opportunity of speaking with only one of their chiefs, to whom he communicated the Government's confirmation of the agreement with them; and informed him of the quantity of Blankets and ammunition he was charged with, and which were to be delivered to them, on their fulfilling their part of the agreement; and signing the Deed by which they were to

relinquish to this Commonwealth, all claims to the lands stipulated in the agreement.

In the report of his proceedings, General *Lincoln* mentions, that he had placed those goods in the hands of Mr. *John Lee*, of *Majabagwaduce*, whose abilities, integrity, fortune and attention to business, he could, from his own knowledge of him, depend upon. He has taken Mr. *Lee's* receipt for the Goods; which, as appears by the receipt, he has engaged to deliver to those Indians, agreeably to General *Lincoln's* written directions to him.

The said Report and Receipt, with the several Papers accompanying them, are herewith, Gentlemen, laid before you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November* 11, 1786.

Chap. 94

Chapter 94.

[September Session, ch. 94, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have lately received several letters, which it is proper should be communicated to you.

One of them is from the honorable Mr. *Jay*, Secretary for foreign affairs, of the 23d of *October*, transmitting, pursuant to an order of Congress, of the ninth of *August* last, an account of all the Negroes belonging to this State, that appear to have been carried away by the *british*, in contravention of the late Treaty of peace, when they evacuated *New York*.

It appears by the said order, that a like account was to be sent to each of the United States, of the Negroes belonging to them respectively, and which were at the same time carried away by the *british*. The probable reason of that order seems to be, that the several States, or the individuals whose property they were, might take such measures as they should judge suitable, for recovering the value of the Negroes carried away. In this business, Gentlemen, you will pass such order as you shall think proper.

There are two of those letters from Mr. *Thomson*, of the 27th of *October* and 4th of *November*: the first enclosing Resolves of Congress of the 23d of *October*, which

represent the substance of the acts of the several States, respecting certain commercial powers vested in Congress. By that representation it appears, that if the States of *New Hampshire* and *North Carolina*, had conformed their Acts to the recommendations of Congress, the commercial powers therein requested, might immediately begin to operate.

Congress have therefore, again earnestly recommended to the Legislatures of those two States, at their next session, to pass acts in such conformity with the resolutions of Congress of the 30th of *April*, 1784, as to enable them to exercise those powers as soon as possible. If the requested acts should be passed, there will be room to hope for an establishment of such regulations as will serve to revive commerce, and again place it on a broad and solid foundation.

Mr. *Thomson's* other letter mentions, that Congress, previous to their rising, had commanded him to inform the executive of each State, that the present critical situation of public affairs, requires the immediate assembling of the States in Congress, agreeably to the fifth article of the Confederation; and that it is their earnest desire, that the Delegates for each State, be urged to give their attendance with all possible dispatch.

The other letter, with the accompanying papers, is from our Delegates in Congress, dated the 31 of *October*; by which it appears, that Congress have received from Mr. *Hutchins*, the Geographer General, a confirmation of the hostile disposition and intention of the western Indians, not only against the persons employed by Congress, in the Survey of the Territory of the United States, northwesterly of the *Ohio*; but against the frontier inhabitants of the States bordering on that river. In consequence of that intention, the Geographer and Surveyors, on the 18th of *September*, abandoned the surveys, retreated to the *Ohio*, and there threw up redoubts for their protection.

On this occasion, Gentlemen, I would inform you, that in consequence of your resolves for raising a body of troops, for the service of the United States, the necessary measures for that purpose are in execution: and the Commanding Officer, Col^o *Jackson*, is busily employed in effecting it. He has represented to me, that it is usual on such occasions, and the service requires, than an allowance should be made to the enlisting Officers, for defreying the necessary expence attending the enlistment.

You will please to take this matter into consideration ; and make such allowance, on account of the United States, as you shall judge suitable.

The several letters and Papers, to which this message refers, will accompany it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 13, 1786.*

Chap. 95

Chapter 95.

[September Session, ch. 95, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have just received a letter from *James Sullivan & Theophilus Parsons*, Esq's. two of our Agents for settling the controversy, between this State & *New York*, relative to the Western Territory.

You will observe by it, that the Agents of the two States, have agreed to meet at *Hartford*, on the 30th instant, to compromise the controversy, without a federal Court : that our other Agents, Mr. *Lowell* and Mr. *King*, being at *New York*, expect to meet Mr. *Sullivan* and Mr. *Parsons* there ; & that these Gentlemen purpose to proceed thither, in case the treasurer is enabled to furnish them upon the warrant already issued in favor of the Agents, with money necessary to bear their expences in this business.

The Sum requested, is mentioned in their said Letter ; which will herewith be laid before you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 14, 1786.*

Chap. 96

Chapter 96.

[September Session, ch. 96, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A few days ago General *Brooks*, the Major General for the County of *Middlesex*, sent enclosed in his letter to me, an exact return of the Troops, that were assembled at *Cambridge*, on the first of the current month, for the support of the Supreme Judicial Court.

It appears by the return, that besides volunteers, there were more than two thousand of the militia then assembled in military order, for that laudable purpose.

Upon your signifying your earnest desire, that effectual measures should be taken, to prevent any interruption to the sitting of the Court, I immediately issued orders, with advice of the Council, to General *Brooks*, that several of the Regiments, with four of the Companies of Artillery within his division, should be held in readiness to march, & some of them had marching orders to appear at *Cambridge*, at a given time. The two contiguous Regiments in the County of *Suffolk*, besides a number of companies in *Boston*, & the artillery companies of *Roxbury* and *Dorchester*, had orders to be in readiness. Orders were likewise sent to Major General *Titcomb*, for two of the nearest Regiments in the County of *Essex*, to hold themselves in readiness: All the said Regiments & Companies being to march in case of necessity, signified by orders from General *Brooks*, under whose command the whole were to be.

As none of the insurgents made their appearance, I hope from a conviction of the extreme impropriety and unlawfulness of their former conduct, there was no occasion for issuing marching orders to those Regiments and companies, which had been only ordered to be in readiness. But such however, was their ardor, to distinguish themselves in support of Government & the Constitution, that several of them, voluntarily marched to *Cambridge*; where they joined the *Middlesex* Militia, & all together, formed an excellent body of troops, which reflected great honor on that County, & on the several Corps to which they belonged. The regiments & companies of which that body was composed, you will observe, Gentlemen, by the return.

So favorable an opportunity offering for a review, I reviewed them, accompanied by his Honor the Lieutenant Governor, and the Council, the Chief Justice & the other Justices & Officers of the Supreme Judicial Court, the President of the University, several General Officers and other Gentlemen: who all expressed a high satisfaction in the order, appearance & discipline of the troops; which being afterwards formed into solid columns, a short address to them by the Governor, finished the review.

It is with pleasure, I inform you, Gentlemen, that the

spirited conduct of the troops on that occasion, merited the applause and thanks of every friend to the Constitution; & that Major General *Brooks*, who distinguished himself by his attention, activity and animated exertion in the whole conduct of this business, has in a particular manner merited them.

His letter & return, and also General *Titcomb's* letter, will accompany this message.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 14, 1786.*

Chap.103

Chapter 103.

[September Session, ch. 103, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Post of the last Evening, brought me a letter from the Board of Treasury, dated at *New York*, the seventh instant. It inclosed a resolution of Congress of the 21st of *October*, which was passed unanimously; that the several States in the Confederacy, be required to pay into the federal Treasury, on or before the first day of *June 1787*, their respective quotas of the sum of *five hundred & thirty thousand dollars*, in specie, for the pay & support of the Troops of the United States, on the present establishment.

Among the quotas of the several States, the quota of *Massachusetts* is *seventy nine thousand, two hundred and eighty eight dollars*; which sum when paid, will be passed to the credit of this State, on the terms prescribed by the resolve of Congress of the 6th of *October, 1779*.

The Board of Treasury are authorized and directed, to open a loan immediately, to the amount of *five hundred thousand dollars*, at *six per cent.* per annum, on the credit of the foregoing Requisition; which they are authorized to pledge to the lenders, for the faithful Re-imbursement of the money loaned, and of the interest of it.

As this business, Gentlemen, requires dispatch, you will permit me to recommend it to your immediate attention.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 16, 1786.*

Chapter 1.

Chap. 1

[January Session, ch. 1, 1786.]

Wednesday, the 31st ult. was the day to which the Honourable the General Court, stood adjourned; but there not appearing a sufficient number of Members to form a quorum of the House, the Court could not proceed on business until this day; when a Committee from the two Branches of the Legislature waited upon his Excellency the Governour, to acquaint him they were ready to receive any communications from him. In consequence of which, his Excellency immediately proceeded to the Senate-Chamber, where the Honourable Senate and the Honourable the House being convened, he addressed them in the following Speech, *viz.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

It was expected by the General Court, that their proceedings at their last session, respecting the insurgents, would have answered the purposes for which they were intended. By those proceedings, there were held forth to them, punishment, on the one hand, and pardon on the other. — Punishment, in case of perseverance in their criminal conduct; Pardon & indemnity, if they desisted from it; & by a given time, should take the oaths of allegiance, This application to their feelings, & to that actuating principle, a desire of personal safety, it was apprehended would have had a forcible influence to bring them to their duty. But unhappily, it did not produce any good effect, except upon a very few individuals of them. On the contrary, the lenity & forbearance of Government were treated with contempt, & imputed by them to an inability of defending itself: and some of your last acts have been added to their list of grievances.

But the clearest & most unequivocal evidence of their perseverance, in opposition to Government, is deduced from their proceedings, respecting the Judicial Courts, in several of the Counties, since the last session of the General Court. — They twice, with an armed force, stopped those Courts in *Worcester*; & would not suffer them to open in *Hampshire*. They attempted it, though unsuccessfully, in *Middlesex*: and in consequence of that at-

tempt, several of them were taken into custody by virtue of State warrants; in the execution of which, the Sheriff & other persons to whom the warrants were directed, had the aid & support of a number of spirited gentlemen of that County & *Suffolk*.

At the last time of their assembling in *Worcester*, there were nearly a thousand of them in Arms, who, to the great annoyance & terror of that vicinity, continued embodied for several days after the Court had adjourned: meditating, as it was apprehended, further outrages; which were providentially prevented by the continued storms of that week.

These violent & treasonable proceedings of the insurgents were perpetrated after the publication of the last Acts of the General Court respecting them; and demonstrated, not only a total disregard of those Acts, & the authority by which they were enacted, but a contempt of all constitutional government, and a fixed determination to persevere in measures for subverting it.

This determination, & these measures, were also manifest by their printed declarations; & by some of the private transactions of their leaders, when the main body of the insurgents were last assembled at *Worcester*: by which it appeared, the insurgents were formed into Regiments, and that a committee was appointed for each regiment, to see that it should, without delay, be properly officered & equipped; and compleatly ready whenever called upon.

That this was the state of things in the western Counties, was further confirmed by letters I received from some of the most respectable characters in those Counties; & by the oral testimony of many intelligent persons from thence: who all agreed in the necessity of speedy & vigorous measures being taken, for the effectual suppression of the insurgents: without which the well-affected might, from a principle of self-preservation, be obliged to join them; and the insurrection become general.

The safety & well-being of the Commonwealth being thus in hazard, & the lenient, conciliating measures of the General Court, having been rejected by the insurgents, I conceived myself under every obligation, of honor & duty, to exert the powers vested in me by Law & the Constitution, for the protection & defence of the Com-

monwealth, against the hostile and nefarious attempts of those lawless men.

Pursuant to this idea, I laid before the Council all the information and intelligence I had collected, relative to the proceedings & designs of those men: & the Council were unanimously of opinion, & accordingly advised, that vigorous & effectual measures should be taken to protect the Judicial Courts, particularly those, that were then to be next holden at *Worcester*; to aid the civil magistrate in executing the Laws; to repel all insurgents against the Government; and to apprehend all disturbers of the public peace: particularly such of them as might be named in any State warrant or warrants.

For these purposes, upon the effecting of which all good government, & indeed the happy existence of the Commonwealth, do essentially depend, I have called forth from several Counties, a respectable body of the militia, the command of which I have given to Major General *Lincoln*, with orders to carry those purposes into effectual execution.

Those orders are now in operation, & will be laid before you, with the general orders, containing the plan of measures by which the Commonwealth was to be defended against its present assailants.

I congratulate, you, Gentlemen, on the success of those measures hitherto, and hope it is a prelude to final success, and to the re-establishment of perfect tranquility. The despatches concerning it, which I have received from General *Lincoln* and General *Shepard*, will be laid before you.

Thus, Gentlemen, from a principle of duty to the Commonwealth, and in conformity to your resolution of the 24th of *October*, in which you express a full confidence, "that I will still persevere in the exercise of such powers as are vested in me by the Constitution, for preventing any attempts to interrupt the administration of Law & justice, & for enforcing due obedience to the authority & laws of Government," I have taken the measures above represented. I trust they will meet with your entire approbation, & with *that* support, which is naturally to be expected from the guardians of the public safety.

On my part, I have done, in this business, what the duty of my office, & the oath of qualification, indispensably require: and I have the fullest confidence, that on

your part, nothing will be wanting to carry into complete effect, the measures that have been taken, or that may be further necessary, to suppress the present insurrection; & to ensure a strict obedience to the Laws. This is so essential to the peace & safety of the Commonwealth, that it requires your immediate attention; & the speedy application of further means, if those already taken should be deemed insufficient, for that purpose. Among those means, you may deem it necessary to establish some criterion, for discriminating between good citizens & insurgents, that each might be regarded according to their characters: the former as their Country's friends, and to be protected; and the latter as public enemies, & to be effectually suppressed. At such a time as the present, every man ought to shew his colours, & take his side: no neutral characters should be allowed: nor any one suffered to vibrate between the two.

Vigour, decision, energy, will soon terminate this unnatural, this unprovoked insurrection; & prevent the effusion of blood: but the contrary may involve the Commonwealth in a civil war, & all its dreadful consequences: which may extend, not only to the neighbouring States, but even to the whole confederacy; & finally destroy the fair temple of American liberty: in the erecting of which, besides the vast expence of it, many thousands of valuable citizens have been sacrificed.

There are several things, resulting from the measures in operation, which require your immediate attention.

The money immediately wanted for carrying them into execution, was supplied by a voluntary loan from a number of gentlemen, & in a manner, which does them much honor. I must earnestly recommend to you to provide for its reimbursement, which upon the principles of policy as well as justice, should be made as speedily as possible. Provision also should be made for defraying the general expence.

Should the time be too short to effect the great purposes, for which the militia were called forth, it may be necessary that General *Lincoln* should be empowered to continue them in service by enlistment, until those purposes shall be accomplished. The men being already embodied, & the arrangements for supporting them perfected, the expence of such a continuance, will be much less than that of raising a new body for the same service.

There are defects in our militia act, which require an immediate remedy; & which I shall mention to you in a separate message.

These, Gentlemen, are matters of importance; but the general subject of this address is of the first magnitude, & demands your immediate & most serious attention. If it be taken up with proper spirit — if the measures in operation be seconded with firmness & decision — and if the powers of the several branches of government be united in a wise & vigorous exertion, we may reasonably expect a speedy & happy issue to the present insurrection: to which happy issue every exertion on my part has been, & shall be, applied.

But, on the contrary, if indecision, langour or disunion should on this occasion pervade our public Councils, insurrection, though checked for the present, would gain new strength, &, like a torrent, might sweep away every mound of the Constitution; & overwhelm the Commonwealth in every species of calamity. — In such a case, if brought on by remissness, or relaxation, on our part, we should be, not only involved — most essentially involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow citizens; and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety & happiness of the Commonwealth.

But, very happily — this is only a possible case: for your patriotism, your virtue, your regard for your own liberties & property, and for those of your families & posterity, must induce you to call forth every power of Government into vigorous exertion for preventing such a complication, such an accumulation of evils.

On this occasion, it is proper, Gentlemen, to inform you, that I have received from several towns, petitions, directed to the Governor & Council, and also to the General Court, relative to the insurgents. The petitions, being eight in number, do disapprove of the proceedings of Government, in regard to those people.

But as the things prayed for, were, for the most part, not cognizable by the Governor & Council; & such as were so, could not be granted by them, consistently with the duty they owe to the Commonwealth; the petitions will be laid before you for *your* consideration.

There are other matters, to which your attention, Gen-

tllemen, is necessary; and they will be communicated by message.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 3, 1787.*

Chap. 2

Chapter 2.

[January Session, ch. 2, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

There is a capital defect in our militia Acts, which requires an immediate remedy.

As the Acts now stand, a few indolent or disaffected Officers may, by neglecting, or refusing to do their duty, defeat the purposes of Government in the most critical situation, and perhaps endanger the public safety: and this without incurring any other inconvenience than the loss of their commissions. On the present occasion, though the towns in general, have with alacrity furnished their quotas of men, a few of them are deficient. The deficiencies, I am informed, have generally arisen from the neglect, or refusal of the militia Officers, to do their duty. Some further penalty seems necessary to prevent, in future, such delinquencies on the part of the Officers: and some additional provision should be made for raising the men required, in case the Officers should prove eventually delinquent.

Other defects in those Acts may be remedied at the same time.

As further detachments from the militia may be soon necessary, you will permit me, Gentlemen, to recommend an immediate attention to this business.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 3, 1787.*

Chap. 3

Chapter 3.

[January Session, ch. 3, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have received a Letter from General *Lincoln*, dated at *Hadley*, the 30th of *January*, enclosing a copy of two

Letters which had passed between him and *Shays*; who, with a large body of Insurgents, was then posted at *Pelham*.

The General's Letter to me strongly recommends some further measures, as necessary to be taken for the effectual suppression of the Insurgents: And those measures can be settled & determined on, by no less, nor any other authority than the General Court.

This, Gentlemen, is a business of great importance, and claims your immediate attention.

The Letters & Papers will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 3, 1787.*

Chapter 10.

Chap. 10

[January Session, ch. 10, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Mr. *Cabot* is this moment arrived with a Letter from Genl. *Lincoln*, dated y^e 4th instant at *Petersham*, from which place, on the preceeding day, he obliged the Main Body of the Insurgents to retreat with great Precipitation, having taken about one hundred & fifty of them prisoners.

For further particulars, you will please to be referred to the Letter, and in the mean time will permit me to congratulate you on this important Success.

Orders have been issued to reinforce General *Lincoln*, with twenty six hundred of the Militia. I should be glad to know, gentlemen, whether you would think it expedient that those orders, should, in consequence of this Success, be countermanded either in whole, or in part.

JAMES BOWDOIN,

COUNCIL CHAMBER, *February 6, 1787.*

Chapter 15.

Chap. 15

[January Session, ch. 15, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By General *Lincoln*'s letter of the sixth instant, which has been communicated to you, after mentioning the dis-

persed state of the insurgents, he supposes the sending out any other troops, will be altogether unnecessary at present; and thinks we had better attempt to re-inlist a sufficient number out of those troops now in the field, as they have obtained some knowledge of duty; and says he shall wait the Governor's direction before he takes any measures for that purpose.

As it is necessary a re-inlistment should be made certain as soon as may be, you will please, Gentlemen, to take this matter into immediate consideration, and let me know your mind, respecting the time and terms, for and upon which, the General may be authorized to re-inlist the men: and what number should be re-inlisted.

In consequence of your message of yesterday, founded on the last intelligence from General *Lincoln*, I have countermanded the orders, for making a further detachment from the militia, at present.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 8, 1787.*

Chap. 20

Chapter 20.

[January Session, ch. 20, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By Mr. *Lusk*, a Member of the Honorable House, I yesterday received a letter from General *Lincoln*, dated the 8th instant, at *Hadley*, and which will be herewith communicated. He mentions in it, that the four Regiments, with which he marched from the lower Counties, were then at *Northampton*, where they had made a halt, on account of the weather; that he should leave one Regiment there, and move on to *Berkshire* with the rest, in which there are as many men, as he can cover in any of the upper Towns, when joined by General *Patterson's* Troops; and he is confident, they will be fully competent to bear down all opposition in that County.

One Regiment, he says, will be employed under the direction of General *Shepard*, to apprehend the most dangerous and influential characters in the County of *Hampshire*; and with respect to the County of *Worcester*,

that General *Warner* has with him about fifteen hundred men, which he will throw into the different parts of that County, to apprehend or disperse all those, who are there in arms against the authority of Government.

General *Lincoln* has been furnished with duplicate copies of all the proceedings of the present Session of the General Court, that have any respect to the insurrection, or his conduct concerning it.

With regard to your resolves of the 8th instant, in particular, which relate to the enlistment of a number, not exceeding fifteen hundred men, to be continued in the public service, an authenticated copy of them was, as soon as possible, made out and forwarded by express to the General, with a letter from me: instructing him, that as his situation enabled him to form the best judgment of the proper number to be enlisted, he would accordingly settle what the number should be, within the limit prescribed by the resolve: and to form them into one or two regiments, under such Officers, as he knew were best qualified for the service.

To guard against accidents, a duplicate copy has been forwarded by another express: by which I again wrote, and informed him, that the General Court had under consideration, a bill declarative of the disqualifications, to which the insurgents were to be subject: and when finished, a Proclamation would be issued, declaring the terms of the pardon, intended by the Court's resolve of the fourth instant: and that as soon as may be after, and agreeably to his desire, the Proclamation would be transmitted to him.

You will observe, Gentlemen, that the General thinks no time should be lost in settling those disqualifications, and the terms of Pardon, in order that the Proclamation may be issued, and sent to him and the other Generals, as soon as may be, for their direction.

This business, Gentlemen, claims your speedy attention.

I have this minute received a letter from General *Warner*, at *Worcester*, dated the tenth instant, which is sent for your information.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February* 12, 1787.

Chap. 21

Chapter 21.

[January Session, ch. 21, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Commissioners on the part of this Commonwealth, viz. the Honorable *John Lowell*, *James Sullivan*, *Theophilus Parsons*, and *Rufus King*, esq^{rs}; and those on the part of *New York*, have very happily settled the dispute between the two Governments, in regard to lands lying to the Westward of *Hudson's River*.

They have mutually agreed, in behalf of those Governments respectively, to the mutual cessions, Grants, Releases, and other provisions, contained in eleven articles, written on an indented Parchment, dated at *Hartford*, in the State of *Connecticut*, the 16th of *December*, 1786, and by them mutually Signed.

The two first of those articles being the most material ones, run thus :

“*First*, the Commonwealth of *Massachusetts* doth hereby cede, grant, release and confirm, to the State of *New York*, forever, all the claim, right and title, which the Commonwealth of *Massachusetts* hath, to the Government, Sovereignty and Jurisdiction, of the lands and territories so claimed by the State of *New York*, as herein before stated, and particularly specified.

“*Secondly*, The State of *New York* doth hereby cede, grant, release and confirm to the Commonwealth of *Massachusetts*, and to the use of the Commonwealth, their Grantees, and the heirs and assigns of such Grantees, forever, the right of pre-emption of the soil from the native indians, and all other the estate, right, title and property (the right and title of Government, Sovereignty and jurisdiction excepted) which the State of *New York* hath of, in or to, two hundred and thirty thousand, and four hundred acres, to be located by the Commonwealth of *Massachusetts*, and to be situate to the northward of, and adjoining to, the lands granted respectively to *Daniel Cox* and *Robert Lettice Hooper*, and their respective associates, and between the Rivers *Owego* and *Chenango*: and also of, in or to, all the lands and territories, within the following limits and bounds, *that is to say*, Beginning in the North boundary line of the State of *Pennsylvania*, in

the parallel of 42 Degrees of North latitude, at a point distant 82 miles West from the Northeast Corner of the State of *Pennsylvania*, on *Delaware River*, as the said boundary line hath been run and marked by the Commissioners appointed by the States of *Pennsylvania* and *New York*, respectively, and from the said point or place of beginning, running on a due meridian north, to the boundary line, between the United States of *America*, and the King of *Great Britain*; thence westerly and southerly along the said boundary line, to a meridian, which will pass one mile due east from the northern termination of the Streight, or waters, between *Lake Ontario*, and *Lake Erie*; thence south, along the said Meridian, to the South shore of *Lake Ontario*; thence on the eastern side of the said Streight, by a line always one mile distant from, and parallel to the said Streight, to *Lake Erie*; thence due West, to the boundary line between the United States and the King of *Great Britain*; thence along the said boundary line, until it meets with the line of cession from the State of *New York* to the United States; thence along the said line of cession, to the Northwest corner of the State of *Pennsylvania*; and thence east, along the northern boundary line of the State of *Pennsylvania*, to the said place of beginning:" and which said lands and territories, so ceded, granted and released, and confirmed, are parcel of the lands and territories described in the petition of *Massachusetts* to Congress, in the said indented parchment referred to.

This last described tract, as I am informed by Mr. *Lowell* and Mr. *Sullivan*, whose letter accompanies this Message, does probably contain between five and six millions of Acres; and will be more or less, according to the true situation of the great Lakes *Erie* and *Ontario*; upon which it is bounded on the West and North, including a part of those Lakes, as you will observe, Gentlemen, by the plan herewith exhibited: with which there will be also exhibited the aforesaid Indenture, together with the Instrument on parchment, signed by Governor *Clinton*, empowering the *New York* Commissioners to compleat this business, on the part of that State.

On this occasion, I cannot but mention, that the conduct of our Commissioners in this business, merits, and without doubt will meet with, the approbation of the General Court.

I wish I could inform you, Gentlemen, that the other

matter in dispute with *New York*, was also settled. I mean the Eastern boundary line of that State, so far as it respects this State.

In regard to it, I have received a letter from the Rev. Doct. *Williams*, herewith communicated, giving an account of the state of that business ; and to which you will please to be referred.

The mutual Acts passed by the two States for effecting the settlements of that line, are nearly expired ; and before any thing further can be done for that purpose, some further Acts must be passed by the Legislatures of those States.

This business, Gentlemen, requires your attention.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 13, 1787.*

Chap. 22

Chapter 22.

[January Session, ch. 22, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

There are two Requisitions of Congress, which I laid before you, with my messages of the 29th of *September* and 16th of *November*; and which you referred over to the present Session, for further consideration.

The latter requisition was for our quota of the sum required for the pay and support of the troops of the United States, on the present establishment ; to be paid into the federal treasury, on or before the first of *June* next. With respect to the additional troops, to which that requisition has in part a reference, you made some provision for the raising our quota of them ; and of that quota, I am informed by the commanding officer, there are about 150 men enlisted ; the most of which are now in barracks at *Castle William*, without employ. In regard to the other requisition, which respects the services of the year 1786, I received since the last Session of the General Court, a second authenticated copy of it, accompanied with a letter from the board of Treasury, dated the 13th of *November*; which they request me to lay before the legislature.

They also enclosed a Schedule of requisitions on the

several States, of the 10th of *September*, 1782, the 30th of *October*, 1781, and 27th and 28th of *April*, 1784, of the 27th of *September*, 1785, and of the 2d of *August*, 1786; shewing the quotas assigned to *each*, the amount paid *thereon*, and the balances *due* on the 30th of *June*, 1786; by which it appears, that the amount of the deficiencies, then due from the several States, is *eight million five hundred twenty three thousand, two hundred and fifty two dollars*, and $\frac{27}{90}$ ths of a dollar; and that the deficiency on the part of this State, then amounted to *twelve hundred ninety six thousand, six hundred and forty nine dollars*, and $\frac{78}{90}$ ths of a dollar.

They observe, that as these requisitions, are made for the express purpose of defreying the interest of the foreign and domestic debt, and the charges of the Civil government, the legislative bodies of the several States will easily judge to what embarrassments the Union must necessarily be reduced, for want of sufficient funds to discharge these essential engagements.

They then make a statement from the several requisitions and estimates, and from the specie payments into the general Treasury; and observe upon it, that the surplus of the receipts, beyond what was necessary to defrey the charges of the Government in two years and an half; that is, from the 31st of *December*, 1783, to the 30th of *June*, 1786, is only *thirty nine thousand and thirty two Dollars*, and $\frac{22}{90}$ ths of a dollar, to be applied towards the discharge of the specie engagements above mentioned.

The result of the stated facts, they say, is, that unless the several States adopt without delay, a more efficient mode of supplying the general treasury, than has hitherto been adopted, the confederacy of the States, on which their existence, as an independent people, too probably depends, must inevitably be dissolved.

In considering the acts of those States, which have complied with the several requisitions, they mention the principal causes of the extraordinary deficiency resulting from the operation of those acts. But for these, with other observations of great importance, you will please to be referred to the letter itself.

In the mean time, Gentlemen, permit me to recommend to your serious consideration, the state of the federal debt, so far as it respects this Commonwealth; that ways and means may be found, which shall with certainty,

operate to the speedy diminition, and final extinguishment of it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 14, 1787.*

Chap. 26

Chapter 26.

[January Session, ch. 26, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the post I received from *New York* two Letters, dated the second instant: one from Mr. *Thomson*, mentioning, that on that day, the United States in Congress assembled, had appointed their President for the current year.

There were enclosed with it, two volumes of the Journals of Congress for 1786: one for the Legislature, and the other for the Executive. The former will be delivered to you by the Secretary.

The other Letter is from the board of Treasury, transmitting, for the information of the Legislature, a particular statement of the contingent expenditures of the United States, from the first of *January*, to the last day of *December*, 1786: amounting to *sixty thousand, two hundred and sixty nine dollars*, and $\frac{1}{96}$ ths of a dollar.

They also transmitted a General Account of receipts and expenditures of the United States, from the first of *November*, 1785, to the 30th of *June*, 1786: the balance of which is *fourteen thousand, two hundred and thirty five dollars*, and $\frac{2}{96}$ ths of a dollar: being the amount of specie payments beyond the receipts: or an anticipation of the public credit.

These several letters and papers, will be laid before you, Gentlemen, for your information.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 15, 1787.*

Chap. 31

Chapter 31.

[January Session, ch. 31, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Pursuant to your Resolve of the 17th instant, I forwarded the same night to General *Lincoln*, *three hundred*

pounds, with proper orders and instructions for enlisting men into the public service, and carrying the said resolve into full execution.

By Major *Rice*, who is employed in the business of enlisting the men, I yesterday received a letter from General *Warner*, at *Worcester*, giving information, that agreeably to a letter to him from General *Lincoln*, measures were taken for raising a regiment in the County of *Worcester*, to be commanded by Colonel *Timothy Newell*; that he has no doubt the regiment may be immediately raised, provided the advance pay of *twenty shillings* to each man, be sent on, and ready to be delivered to them at the time they engage. If you think proper to order any money to be sent to General *Warner*, for raising the proposed regiment, Major *Rice* is ready to proceed with it.

General *Warner*, mentions in his letter, that it is thought advisable, and would be of public benefit, to raise a small company of horse, to assist the civil officers in arresting the leaders of the rebellion, and their abettors. On this matter also, you will please, Gentlemen, to express your mind.

By Major *Seward*, I have had a letter from General *Lincoln*, dated at *Pittsfield*, the 14th instant.

You will observe by it, he was taking measures for apprehending some of the principal characters in the rebellion; and for that purpose had by his letters applied to the Governors of the neighbouring States for their assistance. These letters, in the design of them, concur with my own to the same Gentlemen; to whom I some time ago wrote for the same purpose.

The letters from General *Lincoln*, & General *Warner*, will be laid before you Gentlemen by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February* 19, 1787.

Chapter 32.

[January Session, ch. 32, 1786.]

Chap. 32

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

In the recess of the General Court, I received two letters from Governor *Randolph*, of *Virginia*, dated at *Richmond* in that Commonwealth, the first & sixth of

December last; transmitting an Act of the Legislature of that State, for appointing Deputies to a convention, proposed to be held in *Philadelphia*, on the second day of *May* next; for the purpose of revising the federal Constitution.

By the last post, I also received a letter from Governor *Caswell*, of *North Carolina*, dated the 12th of *January*, inclosing an Act of the Legislature of that State, for appointing deputies for the same purpose.

A Convention of Commissioners from several States was held at *Annapolis*, in *September* last, for the purpose of devising & reporting the means of enabling Congress to provide effectually for the Commercial interest of the United States; but they finding their Commission too much limited, did in their report, represent the necessity of extending the revision of the federal system to all its defects; and recommended, that deputies for that purpose should be appointed by the several legislatures of the United States to meet in Convention, in *Philadelphia*, as above mentioned.

The report of the aforesaid Commissioners was laid before you at your last Session, together with my Message of the second of *October*, upon the subject of it; to both of which, you will please to be referred.

The Letters from the two Governors, warmly recommend a Co-operation on the part of this State.

The subject is important, & merits an attentive consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February* 19, 1787.

Chap. 62

Chapter 62.

[January Session, ch. 62, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Agreeably to your desire, expressed in your resolve of the ninth of *February*, I wrote to our Delegates to inform Congress of the Commotions that had taken place in this Commonwealth; of the consequent declaration, that a rebellion existed in it, and of the measures, that had been pursued for suppressing it. I also desired them to request Congress, that such measures might be taken,

as they should judge proper, for the security of the federal Arsenal at *Springfield*; in order that the troops of this State, then stationed there, might be employed in other service.

By their answer, received by the last Post, they inform me, that the Secretary at war, had ordered the Troops, raised in *Connecticut*, under the resolutions of Congress, of the 20th of *October*, to repair to *Springfield*, for the protection of that Arsenal; that he had authority to direct those raised in *Massachusetts*, to take post at the same place; and that he should direct them so to do, as soon as *Massachusetts* shall make such provision, on the credit of the union, as will enable him to effect that measure.

I transmitted to them a letter for the Governor of *New York*, in which I enclosed our proclamation, offering a reward for apprehending certain rebels; and requested him to issue a like proclamation for the same purpose; and to take the most effectual measures in his power, for preventing the rebels from obtaining any aid within his Government.

They say upon this head, they have reason to suppose, that the Legislature of *New York*, to whom Governor *Clinton*, communicated my letters, will order *that* business to be conducted entirely conformable to the wishes of this Government. I wrote similar and duplicate letters to the Governors of the neighbouring States, as far as *Pensylvania*, inclusive of it; and the answers of such as have returned answers, have been communicated to you.

By the same Post I received from Mr. *Thomson*, a resolution of Congress, of the 21st of *February*, expressing the opinion of Congress that it is expedient a convention of Delegates from the several States should be held on the second monday of *May* next, at *Philadelphia*, for the sole and express purpose of revising the articles of the Confederation; and reporting to Congress, and the several Legislatures, such alterations, and provisions, as shall, when agreed to in Congress, and confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the union.

The letters, Gentlemen, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 2*, 1787.

Order of the House of Representatives, respecting the Governor's objections to the bill for establishing a salary.

Ordered, That the Governor's objections, made this day, to the bill for establishing a Salary of a fixed and permanent value for the Governor; and repealing a Law heretofore made for that purpose, be published; and that the Secretary send copies thereof to the several towns and plantations within this Commonwealth.

March 10, 1787.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The bill you passed the last evening, relating to the Governor's Salary, has been laid before me. I find by it, that it is your opinion, the Salary is too high, and that you propose to reduce it from *eleven hundred pounds*, to *eight hundred*.

The opinion of the General Court is, and ought to be, of great weight: and in most cases, when such is their pleasure, has the sanction of, and is in fact law. But you are sensible, Gentlemen, that according to the Constitution, which is the Supreme law, there are cases, to which the Legislative power does not extend; and it is apprehended the object of the present bill is one of them.

In order to have a right conception of this matter, we must recur to the Constitution, which declares, that "it is necessary the Governor should have an honorable stated Salary, of a fixed and permanent value, amply sufficient for the purposes mentioned in it: and established by standing laws: and that it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such Salary by law accordingly,"— "And if it shall be found, that any of the Salaries aforesaid, so established, *viz.* the salaries of the Governor and the Justices of the Supreme Judicial Court, are insufficient, they shall from time to time be enlarged as the General Court shall judge proper."

Permit me, Gentlemen, upon this occasion, to ask, whether by this article of the Constitution, the right of settling the quantum of the Salary was not confined to the

* Original dated February 9, 1787; manifestly an error.

first General Court, after the commencement of the Constitution? Whether any power is given to any succeeding General Court, to alter that quantum, unless it should be insufficient: in which case it may be enlarged as the Court shall judge proper? Whether, if it be alterable by diminution by the present General Court, it may not, in the same manner be altered by the next General Court; and again further altered by succeeding General Courts; and thus instead of being established, will it be any thing more than an annual grant, constantly subject to variation and change? Whether, in that case, it can be deemed a stated Salary; or of a fixed and permanent value; or established by any standing or permanent law; or can be depended on as amply sufficient for the purposes intended? And whether those purposes, as expressed in the Constitution, would in that case be answered; namely, “that the Governour should not be under the undue influence of any of the Members of the General Court, by a dependence on them for his support; that he should in all cases act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns; and that he should maintain the dignity of the Commonwealth in the character of its chief Magistrate?” Whether the proper answers to these queries do not shew that the bill is unconstitutional? and whether in that case it is not incumbent on me to refuse my signature to it; especially as I have, pursuant to the Oath of Office, solemnly sworn, that I will faithfully discharge and perform all the duties of my Office, agreeably to the rules and regulations of the Constitution?

In fact, Gentlemen, I apprehend the bill to be contrary to the Constitution; and that for that reason, as well as in consequence of the oath, I am compelled to return the bill to you for your reconsideration of it, agreeably to the Constitution.

It gives me pain to object to a measure, which appears to be a favorite one, with many Gentlemen of the Court: but from my ideas of your candour, I persuade myself you will not attribute it to any dishonorable or pecuniary motives: especially when I assure you, that no interested considerations relative to myself, have in any degree influenced me to it; and as it must be very uncertain, whether I shall be again called to the chair.

Such a call I shall esteem a great honour, as it will fur-

ther evince the good will of my fellow citizens : but as the honour was originally conferred without any solicitation on my part, so the continuance of it, if THAT should take place, will be equally unsolicited.

My inclination would lead me to retirement : but if it should be thought, I can be further serviceable to the Commonwealth, I will not desert it : especially at a time, when it is under the pressure of so many embarrassments.

To relieve it in any degree, from such pressure, would give me the highest satisfaction ; and should there be a future opportunity for it, and the General Court should then think the proposed reduction of the salary worthy of their notice, I would, so far as it may respect myself, consent to it : although my annual expenditures do much exceed the whole amount of the Salary. But it is not in my power, for the reasons above suggested, nor does it comport with my inclination, to diminish, or in any way, render precarious, the Salary of my successors : Knowing, by my own experience, that it would be inadequate to the support of them in proper character.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 9, 1787.*

In consequence of the foregoing Message, the Honourable House of Representatives re-considered the said bill, and cancelled it : the bill having originated in the House.

Chap. 1

Chapter 1.

[April Session, ch. 1, 1786.]

Yesterday was the day on which the General Court, pursuant to the Governour's proclamation, of the 12th instant, were to meet at the State House : Many Members accordingly attended ; but not in sufficient numbers to form a quorum of both Houses till this day, when his Excellency, at twelve o'clock, met the two Branches in the Senate-Chamber, and addressed them as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

At the time of your last recess, there was no expectation of any further meeting of the present General Court : But another meeting has been thought necessary, in con-

sequence of the death of *Thomas Ivers*, Esquire, by which the office of Treasurer has become vacant. As there is no law authorizing the Governor and Council, in such a case, to make a temporary appointment; and it being apprehended the Constitution would not warrant it, the Council advised, that the General Court should be convened, as soon as might be, for the purpose of supplying the vacancy, and accordingly you are now convened for that purpose.

An interruption of business at the Treasury must be at all times inconvenient to the public; but especially so, at the present time, when there is such a multiplicity of it to be transacted, and the fulfilment of the engagements of Government depends upon its being speedily done. It is probable, therefore, you will proceed to the choice of a Treasurer, as soon as you can obtain sufficient information and satisfaction, respecting the persons, who may be candidates for that office. The character of Mr. *Ivers's* successor should be, like *his*, distinguished by an industrious application to business; by a happy facility in transacting it; and by the strictest integrity. This description, at the same time it shews what ought to be the character of such an Officer, is but a just tribute to the memory of the deceased.

There are several other matters, which also require the consideration of the General Court.

You are sensible, Gentlemen, that the facilities, allowed by Congress to discharge a part of the requisition of *September*, 1785, are not now receivable at the Treasury: the time of receiving them having expired the first day of the present month. A letter has therefore been written to our Delegates, recommending a speedy application to that honorable body, to lengthen out the time for receiving those facilities. You will consider, Gentlemen, what is proper to be further done in regard to them.

Another matter for your consideration, respects the jurisdiction line between this State and *New York*.

I transmitted to Governour *Clinton*, with my letter of the 3d of *March*, an authenticated copy of our late act, allowing the Commissioners further time for settling that line, and informed his Excellency, that the *Massachusetts* Delegates, to whom I wrote upon that head, would, in concert with the Agents of *New York*, settle the necessary preliminaries, and jointly request the Commissioners

to appoint a time for finishing that business. Soon after transmitting that act, and since the prorogation of the General Court, I received, through the hands of our Delegates, a new act for the same purpose, passed by the Legislature of that State; repealing their former acts, and making the appointment of two additional Commissioners necessary. As there was then no expectation of a meeting of the General Court for several months, and the Legislature of *New York* continued sitting, I apprehended it would expedite the settlement of the line, if they should pass an act, conformable to ours, for that purpose: and accordingly, on the 15th of *March*, I wrote to, and desired, our Delegates to represent this matter to Governor *Clinton*, for his consideration. But I have not since had any information upon the subject. — The act of the Legislature of *New York*, will be laid before you for your consideration.

As a considerable part of the federal troops, ordered by Congress, in *October* last, to be raised in this State, have been enlisted, and cloathing was preparing for them, they would have been soon fit for service: in which case they might have relieved a like number in our two Regiments, employed in the Western Counties: or, if needful, have supplied the place of those Regiments at the expiration of their time of service. But Congress have thought proper to discharge those Troops, excepting two Companies of Artillery, who are ordered to be stationed at the Federal Arsenal in *Springfield*; as you will observe by several resolutions of theirs, dated the ninth instant.

With respect to those two Regiments, General *Lincoln*, informs me, that the several companies, of which they are composed, are compleated; and that they are stationed as the nature of the service made necessary.

The Supreme Judicial Court are proceeding in their business in those Counties; and the Commissioners, empowered to promise indemnity to a certain description of criminals, have been going on with theirs. The proceedings of each, contained in their respective letters to me, will be laid before you.

Having thus made the necessary communications, I would so far bring back to your recollection the late measures of Government respecting the rebellion, as to congratulate you upon the success of them; and upon the hopeful prospect there is, if those measures are continued,

that the western Counties, will in a short time, be restored to a state of tranquility. This is the happy result of your cordial and spirited co-operation with the Executive in those measures : which were planned and executed, pursuant to your recommendations ; and have been honoured with your repeated approbation.

It has been my lot to pass through the several grades of political life, during a period the most interesting, that *America* ever saw : and it is with real satisfaction, I can take a review of it, in the solitary hour of reflection.

As I have been so long versant in it, and have had so large a share of the honours of my Country, it is certainly decent to wish for retirement, that younger men, and of more ability, might succeed to the chair of Government.

I am happy, that with this wish the voice of the people co-incides ; as in the contrary case, I could not have indulged it, without the imputation of deserting them in the present critical situation of affairs.

Permit me, Gentlemen, to thank you for the confidence, with which you have honoured me ; and for the favourable opinion you have, on several occasions, expressed of my administration ; and be assured, that the recollection of them, in future, will be to me a source of real pleasure.

You will have the goodness to accept of my sincere and ardent wishes for your welfare and happiness : and will, I am persuaded, with equal ardour, join with me in the further wish, — that the people of this Commonwealth may have just ideas of liberty, and not lose it in licentiousness, and its natural consequent, — despotism : That they may revere the Constitution of their own framing ; and govern their conduct by the principles of it, especially in the choice of the men, to whom, when chosen, the Constitution has delegated the powers of Government. That their Delegates, actuated by the same principles, may be, not the violators, but the guardians of liberty and property ; may ever pay a sacred regard to public faith ; and by all their acts, in the best manner, promote the public happiness.

Under the uniform influence of such principles, the Commonwealth, will rise superior to its present embarrassments ; and evince to the world the mistake of those politicians, who declare, that a republican Government, founded, like ours, on the principles of equal liberty, cannot long subsist.

May this Commonwealth, and the United States in general, be lasting monuments of the truth of a counter-declaration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *April 26, 1787.*

Chap. 2

Chapter 2.

[April Session, ch. 2, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the last Post I received a Letter from Mr. Secretary *Thomson*, transmitting sundry resolutions of Congress, passed the 21st of *March*, respecting the treaty of peace between the United States and *Great Britain*: and also a Letter to me of the 13th inst, unanimously agreed to in Congress, and signed by the President, on the same subject.

The resolutions declare, that national treaties do, in virtue of the Confederation, become the law of the land; and are not only independent of the will and power of the Legislatures of the several States, but also binding and obligatory on them; that all such Acts, or parts of Acts, as may be now existing in any of the States, repugnant to the treaty of peace, ought to be forthwith repealed; and that it be recommended to the several States, to make such repeal; and for that purpose to pass an Act, declaring in general terms, that all such acts, and parts of acts, repugnant to the said treaty, shall be, & are repealed.

The letter from Congress is written, to explain the principles, on which they have formed the several resolutions; and that the repealing acts of the several States may be as nearly alike as possible, the form of them is given, & recommended, in the said Letter.

In the letter it is observed, that it is certainly time, that all doubts respecting the public faith, be removed; and that questions & differences between us, and *Great Britain*, be amicably and finally settled: that the States are informed of the reasons, why his Britannick Majesty still continues to occupy the frontier posts, which by the treaty he agreed to evacuate; and that we have the strongest assurances, that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of *Great Britain*.

The letter concludes with the declaration, that it is important, that the several legislatures of the States should, as soon as possible, take these matters into consideration : And I am requested to transmit to Congress, an authenticated copy of such acts and proceedings of the Legislature of this State, as may take place on the subject, and in pursuance of that Letter ; you will therefore, Gentlemen, please to give an early attention to this important business ; and take such measures respecting it, as the national faith, & sound policy require.

JAMES BOWDOIN.

COUNCIL CHAMBER, *April 27, 1787.*

Chapter 8.

Chap. 8

[April Session, ch. 8, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

Your resolution of the ninth of *March* last, empowering the Governour and Council, to examine and adjust all accounts for supplies of provisions, &c. has been under consideration of the Council ; and as they find themselves greatly embarrassed in the settlement of those accounts, I would, agreeably to their request, suggest to you, whether it would not be expedient, that the accounts belonging to the department of the Quarter Master General, should be referred to the Quarter Master General, for liquidation ; and that the accounts for supplies of provisions and utensils, and for transportation of the same, furnished by the Selectmen and others, and belonging to the department of the Commissary General, who marched with the troops, should be referred to him for the same purpose : they being, from their knowledge of circumstances, best qualified to judge of those accounts, and most able to detect errors in the settlement of them.

I have received a letter, Gentlemen, from Gen. *Lincoln*, upon that subject ; which will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *April 28, 1787.*

Chap. 9

Chapter 9.

[April Session, ch. 9, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Commissioners appointed by the General Court, to promise indemnity to a certain description of persons, concerned in the rebellion, have made a report of their proceedings in that business; and it is now communicated to you for your information.

The last Post brought me a Letter from our Delegates, dated *New York*, the 22d instant: by which you will observe, that the Legislature of the State of *New York*, had passed a law in conformity to ours, respecting the running of the Jurisdiction-line between the two States, notwithstanding they had previously enacted a law in some measure different.

As the Commissioners appointed to execute that business, propose to proceed upon it in the months of *June* and *July*, you will consider, Gentlemen, whether any further provision is necessary to be made for its completion; and in that case you will be pleased to make it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *April 30, 1787.*

Chap. 10

Chapter 10.

[April Session, ch. 10, 1786.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have just received by the last ship from *London*, a letter from the honorable Mr. *Adams*, the American Minister there. It was accompanied by a letter from Doctor *Jeffries*, dated in *London*, the 15th of *December* last; in which he says, that the late Province, now State of *Massachusetts*, are indebted to him, for acknowledged professional services, as Physician to the Provincial poor in the years 1774 and 1775, the sum of £639..19..10= lawful money; that the accounts and vouchers have all been examined, approved, and reduced to that amount; and also certified by the signatures of the then proper persons, authorized to take cognizance of, approve and certify them;

and that by his attorney and Agent he has been continually soliciting payment.

The Letters will be laid before you ; and you will do in this business, Gentlemen, what shall appear to you just and right.

JAMES BOWDOIN.

COUNCIL CHAMBER, *April* 30, 1787.

SPEECHES AND MESSAGES.

1787.

[May Session, 1787.]

The Governor and Lieutenant Governor elect, having been previously notified of their respective elections, came into their Representatives' Chamber, where the two Branches of the General Court were convened, when His Excellency the Governor was pleased to address them as follows : *

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

A very respectable committee, by you appointed, have notified me that the citizens of this Commonwealth have elected me Governor for the year ensuing.

To promote the happiness of my native country, hath always been the great object of my pursuit, and to merit the approbation of my fellow citizens, was ever my highest ambition — Defective as I may have been in the pursuit of the first, I should feel myself ungrateful to an high degree, did I not, upon the present occasion, acknowledge the kind partiality of my countrymen in granting me so great a share of the second.

When from a want of health, I retired from the place of Chief Magistrate of this Commonwealth, I did not expect to be again called to the important trust, but since my fellow-citizens have, without any solicitations of mine, seen fit in the present day to call upon me for my exertions, I cannot abuse that partiality which they have so often manifested towards me, by declining the office.

The suffrages of a free people, would in common times render an apology for my appearing in this place, quite unnecessary, but in the present situation of public affairs, it becomes necessary for me to declare, that I am so far from accepting the office from a dependance upon my own ability, to restore the government to its needed tranquillity, that it is, Gentlemen, on your wisdom and prudence

* Taken from court record.

alone, I rely, for those measures which may lead us to public safety; from you the people will look for those laws and ordinances which will secure the blessings intended for them by the happy constitution of government they have established. Of me they have a right to expect that I shall exert the powers vested in me for their benefit and advantage, and it shall be my highest ambition not to disappoint them. To preserve, Gentlemen, sacredly and inviolate, our excellent Constitution of government; to relieve as much as possible the burdens of the people, and to maintain a strict adherence to private and public justice, shall be the great objects of my administration, and in the pursuit of them, I doubt not of your assistance and support, as well as those of all good men.

Having declared, Gentlemen, my acceptance of the office to which I am elected, I am now ready to comply with the qualifying requisitions of the Constitution.

JOHN HANCOCK.

His Honour the Lieutenant-Governor then addressed the Legislature as follows : *

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have been informed by a very respectable committee of both Houses, that you have been pleased to elect me to the office of Lieutenant-Governor for the year ensuing. I have a due sense of the honour you have conferred upon me in this appointment. I consider it as a mark of your esteem and confidence. It has been my constant aim, while I have had the honour of being employed in the public service, to consult, and to the utmost of my abilities to promote, the best interests of the people; and it has afforded me the highest satisfaction, that my conduct has generally met their approbation. I am obliged to you for the polite manner in which you have acquainted me with this appointment — I now declare my acceptance of it, and you may rest assured, I shall endeavour to discharge the duties of this office with faithfulness and impartiality, and am ready to take the oaths and subscribe the declarations required by the Constitution.

THOMAS CUSHING.

June 2, 1787.

* A careful search fails to produce either a court record or any original paper of this address.

Chap. 2

Chapter 2.

[May Session, ch. 2, 1787.]

Gentlemen of the *Senate*, & Gentlemen of the *House of Representatives*.

The Secretary will lay before you a Letter I have just received from Colonel *Badlam*, commanding Officer of the Troops stationed in the County of *Hampshire*, representing his situation, and the complexion of our public affairs in that quarter, by which it appears, that after the time for which the Troops stationed there is expired, the inhabitants in, and near that County, will live very uncomfortably. You will find upon perusing this Letter, that those who have been in opposition to Government, have, from *Vermont* and *New Hampshire*, repeatedly made incursions into this State, with an intention to plunder, and carry off the Friends to Government, and in two instances have accomplished their purpose, by taking off Doctor *Pomeroy* & Mr. *Metcalf*, both respectable characters; that the Colonel has been obliged to station a detachment of his Regiment in particular Towns, to guard the friends of Government, and that he has had application from other Towns for the like protection: I therefore submit it, Gentlemen, to your consideration, whether it will not be *absolutely* necessary for the support and protection of Government, to continue in service the Troops now stationed in the Counties of *Hampshire* & *Berkshire*, for so long a time, after the term of their enlistment expires, as you may judge necessary to restore peace, tranquility & security to those Counties.

JOHN HANCOCK.

COUNCIL CHAMBER, June 5, 1787.

Chap. 3

Chapter 3.

[May Session, ch. 3, 1787.]

Gentlemen of the *Senate*, and gentlemen of the *House of Representatives*.

I have just received a Letter from Mr. *Dane*, one of the Delegates in Congress, which the Secretary will deliver you, enclosing a resolve of Congress of the 3rd of *May*, ordering all monies accruing from the requisition of 21st *October* last, or advanced by any of the States for

the service of the Federal Troops, shall be credited to such States on the specie Requisitions of 1784, 1785 or 1786, at the option of the States respectively.

Mr. *Dane*, also mentions that Mr. *Hutchins*, one of the Commissioners appointed to run the Jurisdiction Line between *Massachusetts* & *New York*, informs, that the Commissioners will be ready to attend that Business by the middle of *June*. You will please to take such order on this subject, as you judge necessary.

JOHN HANCOCK.

COUNCIL CHAMBER, *June 6, 1787.*

Chapter 5.

Chap. 5

[May Session, ch. 5, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have this day received several Letters, which the Secretary will deliver you. One from Mr. Secretary *Thompson*, inclosing an Act of Congress of 23d of *March* last, for reducing the public expenditures, & a state of the representation for that month.

One from the Board of Treasury, inclosing an ordinance of 7th of *May*, for settling the Accounts between the United States & individual States; By which you will observe that the several States are limited to a period for exhibiting their respective claims against the Union: I submit to you the propriety of adopting measures for facilitating the execution of this business.

Also a Letter from his Excellency Governor *Huntington*, giving information of certain persons from the County of *Berkshire*, and other places, endeavouring to raise Insurrections in the Northwestern parts of the State of *Connecticut*, & the happy effects of his exertions in the suppression of them.

One other Letter from the Sheriff of the County of *Hampshire*, respecting a designed attack upon the Goal at *Northampton*, which by the vigilance of the Militia was prevented.

JOHN HANCOCK.

COUNCIL CHAMBER, *June 7, 1787.*

Chap. 33

Chapter 33.

[May Session, ch. 33, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

By your resolution of the 13th instant you have extended the clemency of Government to all the unhappy and deluded people, who have been concerned in the late insurrections, excepting nine of the principal leaders. This Act of benignity and mercy, I conceive cannot fail to induce those unhappy men, to return to the open arms of their Country, and again to enjoy the blessings of a free Government: but should their delusion and infatuation be still continued; shall the honest and loyal part of the community be burthened with taxes for supporting a force to defend the State against a few citizens, who depart from the original compact, and refuse to be governed by a majority of the Representatives, annually elected by the people? Surely no man who loves the peace and tranquility of government, will suppose that the whole force of the Commonwealth, if necessary, should not be exerted to reduce such of them as shall hereafter continue unreclaimed!

But you are sensible, Gentlemen, that by the Constitution, it is out of my power, as Governor, to transport any of the Inhabitants of the Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent or the consent of the General Court; and therefore, should a very small force be continued to annoy the State, without the limits of the same, I cannot march the forces you have ordered to oppose them, unless you make provision for the same.

Besides this, should a number of men, who have relinquished their connection with all Government, be suffered to collect on the borders of this State, their accumulation of force, from Thieves, Debtors, & other fugitives, would very soon render them troublesome, if not formidable to other States, as well as this.

You will also please to consider the difficulty of marching Troops into another sovereign State, without the consent of the Government there, and that this may render it necessary to treat with some of the other States on that subject.

As the effect of your Act of Indemnity, cannot be soon fully known; and as the Citizens of the State may be endangered by new hostilities, before the next meeting of the General Court, I think it my Duty to suggest these ideas, that you may pay them such attention as you may think they deserve.

The object of my measures shall be, to restore peace and good order to the Commonwealth, and I cannot doubt of your countenance and support in every measure which you may think is pointed to that great and desirable end.

JOHN HANCOCK.

COUNCIL CHAMBER, *June 19, 1787.*

Chapter 42.

Chap. 42

[May Session, ch. 42, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

As it has always given me the highest pleasure to meet the wishes of the people; and as the Governor's Salary has been among those objects which engaged the attention of the last Court, and has already attracted the notice of the present, — To prevent a Decision on a subject, the Constitutionality of which must, in its nature, be attended with some uncertainty; You will permit me Gentlemen, to make a voluntary offer of *Three hundred pounds* to the community, to be deducted from my Salary for the present year. — I shall, with pleasure, confine myself to the remaining sum, which the last Assembly determined to be sufficient to sustain the importance of that Station to which I have had the Honor of being appointed. And when we may rationally presume that the future situation of our affairs will be less perplexed than the present, I hope, that it will not be considered as a precedent to affect any Successor in Office, nor, that I have any view, but that of contributing, as far as in me lies, to relieve the burthens of the people.

JOHN HANCOCK.

COUNCIL CHAMBER, *June 21, 1787.*

*Chap. 1***Chapter 1.**

[October Session, ch. 1, 1787.]

Thursday the 18th *October*, His Excellency the Governor went to the State-House, where, in presence of the two Branches of the Legislature, who had met in the Representatives Chamber for the purpose, he addressed them in a Speech, as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I have directed the Secretary to lay before you several Letters which I have received in the recess of the Court ; among them you will observe a letter from His Excellency the Governor of *New York*, wherein he expresses his apprehension of a wicked combination entered into by a number of persons, with an intention to deprive this Commonwealth, & that State, of the Lands which have been lately the subject of a compact between them. I need not enlarge on this subject, as it will appear to you that the pretensions of these people are rather an insult upon this Government, than an apology for their conduct. I have no doubt of your immediate attention to a subject, by which the interest & honor of the Commonwealth are so much affected.

The General Convention having compleated the business of their appointment, & having reported to Congress, “A Constitution for the United States of *America*,” I have received the same from that Honorable Body, & have directed the Secretary to lay it, together with the Letter accompanying it, before the Legislature, that measures may be adopted for calling a Convention in this Commonwealth, to take the same into consideration. It not being within the duties of my office to decide upon this momentous affair, I shall only say, that the Characters of the Gentlemen who have compiled this system, are so truly respectable, & the object of their deliberations so vastly important, that I conceive every mark of attention will be paid to the report. Their unanimity in deciding those Questions wherein the general prosperity of the Nation is so deeply involved, & the complicated rights of each separate State are so intimately concerned, is very remarkable ; & I persuade myself that the Delegates of this State

when assembled in Convention, will be able to discern that, which will tend to the future happiness & security of all the people in this extensive Country.

By a resolve of the Legislature of the thirteenth of *June* last, the Governor was requested to raise a Body of troops, of not less than five hundred, nor more than eight hundred men, as the public exigency, in his opinion, should require, to be stationed in the Counties of *Hampshire & Berkshire*, & to be continued in service for the space of six months, unless sooner discharged, in the whole, or in part, by the Governor with advice of Council; in pursuance of that resolve, I issued orders for raising five hundred men, rank & file, & appointed Lieutenant Colonel *Lyman* to the command of them, but the recruits never amounted to more than two hundred & fifty, which were, as the event shews, fully adequate to the business for which they were raised.

Soon after the General Court were adjourned, the intelligence from those Counties indicated a military force to be unnecessary, but as you had, by your Act of the twenty ninth of *June*, requested me to write to the Governors of other States, for leave to march troops into their Territories, if it should be found necessary to pursue any number of men collected there, for the purpose of annoying this Commonwealth, there would have been an impropriety in disbanding the troops immediately upon writing Letters in consequence of that request; they were therefore continued in service until the thirteenth of *September*, when, by the unanimous advice of the Council, I gave orders for disbanding them.

But as some persons who were under charge for taking an active part in the late commotions, were confined in the Goal of the County of *Berkshire*, with advice of Council, I gave orders to Major General *Patterson* to afford such Guard to the prison, by drafts from the Militia, as the Sheriff of that County should find to be necessary.

I have the pleasure to congratulate you, gentlemen, on the return of peace & good order thus far; & while I sincerely lament those insurrections, which have greatly injured the interest & character of our Country, I am persuaded you will join with me in the sentiment, that this unhappy occurrence cannot be considered as a certain mark of the indisposition of the people to good order & government. Similar insurrections are found in the his-

tory of all Countries ; & although in this State, where no Tax can be levied or law made, but by the consent of the immediate Representatives of the people, & where every grievance can be redressed in a Constitutional way, they are inexcusable, yet from my knowledge of the great degree of intelligence, which our fellow citizens at large possess, I am obliged to believe, that a sense of their own reputation, & the regard they have to their own interest & happiness, will produce a due subordination to Government, & a regular obedience to the laws, without a further application of Military force.

The Legislature having by their Act of the thirteenth of *June*, indemnified from criminal prosecution all the persons concerned in the late Commotions, excepting those convicted of crimes, & nine others specially named in the Act ; the Supreme Executive, on similar sentiments, conceived that a pardon to *Jason Parmenter*, *Henry McCulloch*, *Henry Gale*, & *Job Shattuck*, who were then under sentence of death for treason, might be granted consistently with the dignity & safety of the Government, & that such a measure would have a tendency to restore the publick tranquility, to conciliate the affections of the people, & to establish peace in the State. Accordingly, by & with the advice of Council, on the thirteenth day of *September*, I sealed a pardon for those persons.

As a Tax in the course of the year will become necessary, an attention to the mode of taxation may tend to the peace as well as to the prosperity of the Commonwealth. While we were a part of the british empire we necessarily acquired a habit of fixing our attention upon Taxes levied from Polls & Estates to supply the Treasury this we were then, from the peculiarity of our situation, compelled to, but I earnestly recommend it to your consideration, whether, that, as the wealth & power of the State must depend upon the cultivation of the Soil, & the encouragement of the useful arts, it has not become our duty to lessen, as far as we possibly can, the taxes upon Polls & Estates, & to raise the necessary supplies, in a great measure, by imposts on foreign goods, by Excises on luxuries imported, & by Taxes on those superfluities which can never be an advantage to the Community, unless it be by producing funds to support the public burdens.

In consequence of an Act made in *October* 1786, a Mint

has been erected for coining Cents, & a very considerable amount of copper coin will soon be ready for circulation. I wish your attention to the subject, & that a law may be made to prevent the daily frauds & impositions arising from the circulation of foreign copper coin in this Commonwealth.

I have not gone minutely into all the communications which are necessary to be made, but shall by particular messages make such as may be for the publick interest; & shall be very ready to unite with you in all measures tending to a proper regulation of our Finances, the promoting of virtue & knowledge, to the establishing of good order & government, securing the liberties & increasing the happiness of the United States in general, & those of this Commonwealth in particular.

JOHN HANCOCK.

COUNCIL CHAMBER, *October 17, 1787.*

[This message was printed in previous editions at end of October Session, 1787.]

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

By the post last Evening, I received a Letter from Mr. Secretary *Thomson*, dated the 18th inst, inclosing an Act of the United States in Congress Assembled, touching the grant of favors to foreign Nations, & a requisition for the year 1787: also an Act for keeping up a body of seven hundred troops, which the Secretary will lay before you.

The Letter from the Board of Treasury mentioned by Mr. *Thomson* is not yet come to hand.

JOHN HANCOCK.

COUNCIL CHAMBER, *October 26, 1787.*

[This message was printed in previous editions at end of October Session, 1787.]

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

I have just received the report of the Agents on the part of *Massachusetts*, appointed to attend the Commissioners of the United States in runing the line of Jurisdiction between this Commonwealth and the State of *New York*, which the Secretary will lay before you, for your information.

JOHN HANCOCK.

COUNCIL CHAMBER, *November 8, 1787.*

[February Session, 1787.]

Wednesday the 27th *February*, His Excellency the Governour went to the State-House, where, in presence of the two Branches of the Legislature, who had met in the Representatives Chamber for the purpose, he addressed them in a Speech, as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Letters which I have received in the recess, the Secretary will lay before you, they are not of such importance, as to claim any particular notice from me at this time.

The adjournment of the General Court, for the space of one week, became necessary, in order to give the Members, who were also Members of the late Convention, an opportunity of returning home before the meeting of the Legislature. I could have wished that the Proclamation of adjournment had been of an earlier date, but the Session of the Convention, by the importance of the business before that Body, was protracted beyond what was expected. I flatter myself that this will be satisfactory, as well to those of you, Gentlemen, who having not heard of the adjournment, have been some days waiting in Town, as to those who may be apprehensive that the business of the present Session will demand a longer time, than can be conveniently afforded at this Season of the year.

I have nothing of more importance at this time, to recommend to your deliberation, than the Lands of the Commonwealth. It is scarcely necessary to remark that this State, from its particular situation, as well as from the noble ardor of its citizens in defence of their liberties & independence, hath accumulated a very heavy debt; the interest of which arises to *Ninety thousand pounds* annually; this consideration alone, Gentlemen, should induce us by every possible exertion consistent with the peace of the Commonwealth, to diminish the principal. In order to do this, the great quantities of unappropriated territory both in the eastern part of the Government, as well as the immense tract lately ceded to us by the State of *New York*, afford ample resources, if wisely & expeditiously improved by that spirit of unanimity & discern-

ment which I flatter myself will always distinguish your conduct, when the interest of the people is so deeply & essentially engaged in the result of your deliberations.

I am sorry that my duty urges me to mention to you the necessity of a small tax, but the Treasury is so far exhausted, that the business of the Government must cease its progress unless a Tax is granted.

Since the last Session, *Luke Day*, one of those persons for whose arrest a bounty was offered in consequence of an act of the Legislature, has been taken by some of the Citizens of *New Hampshire*, to whom *one hundred pounds* has been paid, upon their delivering him into the Custody of the Sheriff of the County of *Suffolk*. Could the late unhappy commotions be thrown into oblivion, consistently with the honor of Government, & the safety of the people, I persuade myself it would give satisfaction.

In the beginning of your last Session, I laid before you the Constitution & Frame of Government for the United States of *America*, agreed upon by the late General Convention, and transmitted to me by Congress. As the System was to be submitted to the people, & to be decided upon by their Delegates in Convention, I forbore to make any remarks upon it. The Convention which you appointed to deliberate upon that important subject, have concluded their Session, after having adopted & ratified the proposed plan, according to their resolution, a copy whereof, I have directed the Secretary to lay before you.

The obvious imbecility of the Confederation of the United States, has too long given pain to our friends, & pleasure to our enemies; but the forming a new System of Government, for so numerous a people, of very different views, & habits, spread upon such a vast extent of Territory, containing such a great variety of Soils, & under such extremes of climate, was a task, which nothing less than the dreadful apprehension of losing our national existence, could have compelled the people to undertake.

We can be known to the World, only under the appellation of the United States; if we are robbed of the idea of our Union, we immediately become separate nations, independent of each other, & no less liable to the depredations of foreign powers, than to Wars & bloody contentions amongst ourselves. To pretend to exist as a nation without possessing those powers of Coerce, which are necessarily incident to the national Character, would

prove a fatal solecism in politicks. The objects of the proposed Constitution, are defence against external enemies, & the promotion of tranquility & happiness amongst the States. Whether it is well calculated for those important purposes, has been the subject of extensive & learned discussion in the Convention which you appointed. I believe there was never a Body of men assembled, with greater purity of intention, or with higher zeal for the public interest. And although when the momentous Question was decided, there was a greater division than some expected, yet there appeared a Candor, & a spirit of Conciliation, in the Minority, which did them great honor, & afforded an happy presage of unanimity amongst the people at large. Tho' so many of the Members of the late Convention could not feel themselves convinced that they ought to vote for the ratification of this System, yet their opposition was conducted with a candid & manly firmness, & with such marks of integrity & real regard to the publick interest, as did them the highest honor, & leaves no reason to suppose that the peace, & good order of the Government is not their object.

The amendments proposed by the Convention, are intended to obtain a Constitutional security of the principles to which they refer themselves, & must meet the wishes of all the States. I feel myself assured, that they will very early become a part of the Constitution, & when they shall be added to the proposed plan, I shall consider it as the most perfect System of Government, as to the objects it embraces, that has been known amongst mankind.

Gentlemen,

As that Being, in whose hands is the government of all the Nations of the Earth, & who putteth down one, & raiseth up another according to His Sovereign Pleasure, has given to the people of these States, a rich & an extensive Country; has in a marvellous manner, given them a name & a standing among the Nations of the World has blessed them with external peace, & internal tranquility; I hope & pray, that the gratitude of their hearts may be expressed by a proper use of those inestimable blessings, by the greatest exertions of patriotism, by forming & supporting institutions for cultivating the human understanding, & for the greatest progress of the Arts and Sciences,

by establishing Laws for the support of Piety, Religion, & Morality, as well as for punishing vice & wickedness, & by exhibiting on the great Theatre of the World, those social, public and private virtues, which give more Dignity to a people, possessing their own Sovereignty, than Crowns and Diadems afford to Sovereign Princes.

Every matter of a public nature, which may occur worthy of your notice, shall be communicated by Message, & in every concern tending to promote the publick welfare, I shall be happy to concur with you, & be ready at all times, to give every possible dispatch to the business that may come before you.

JOHN HANCOCK.

COUNCIL CHAMBER, *February 27, 1788.*

Chapter 35.

Chap. 35

[February Session, ch. 35, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Secretary will lay before you a letter which I received from the Honorable *Benjamin Lincoln*, esqr. with a Memorandum to which it refers for some facts; & also another Letter from *John Lee*, of *Penobscot*; a Gentleman mentioned in Gen^l *Lincoln's* Letter.

By these Letters it appears that the line of property between the Commonwealth's land, & those of the *Penobscot* tribe of indians, is not formally settled, & that a difficulty & dissention may take place unless some further attention is paid to that affair.

By the same Letters & by papers remaining in the Clerk's office of the Supreme Judicial Court it appears, that *Andrew Gilman*, *Archibald McPhetres* & *James Page*, have been committed upon suspicion of having murdered *Peeal*, an indian of that Tribe, but no Evidence appearing against them, they were enlarged on recognizance to appear at the next term: least there should be a failure in the prosecution I have by advice of Council requested *Joseph Hibbert* & *Charles Jay*, esq's, two Justices of the peace near the place where the unhappy affair is said to have been transacted, to convene before them & to recognize such witnesses as may be had, And have also requested them to give that Tribe of indians,

notice when the Trial will take place, that such of them may attend as shall choose to be there. I have also given the Attorney General notice of these measures, & urged his attention to the business as a matter on which the peace & safety of some part of the County of *Lincoln*, may very much depend.

This is all that lays within my department in this business, but I conceive it to be my duty, Gentlemen, to request your attention to it as a matter that is of great consequence to the Commonwealth, for though perhaps a very small force may subdue or extirpate that Tribe of natives, if they should commence hostilities, yet the effecting it, would be more expensive & troublesome, than the completing a Treaty respecting their Lands, can be. I need not observe, that it is much more consistent with humanity to conciliate their affections than to subdue them by force.

JOHN HANCOCK.

COUNCIL CHAMBER, *March 17, 1788.*

Chap. 49

Chapter 49.

[February Session, ch. 49, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Secretary will lay before you, a Letter, which I received last evening from Governor *Clinton*, with sundry Inclosures, respecting our Western Lands. I have taken the earliest opportunity of communicating them to you; as I have understood the subject of them, is now under your consideration, and as they are very important, I have not retained the Papers, to make any observations upon them, but earnestly recommend them to your serious attention.

JOHN HANCOCK.

COUNCIL CHAMBER, *March 20, 1788.*

Chap. 50

Chapter 50.

[February Session, ch. 50, 1787.]

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Secretary has laid before me, a Resolve, granting to Capt. *Benjamin Heywood*, the sum of *One hundred*

& *Twenty Pounds*, in full compensation for services by him performed. I conclude the General Court did not recollect, that a resolve passed, & a warrant was drawn by me, for the same sum, & for the same services, on the second day of *March*, 1787. I have therefore sent by the Secretary, the Petition & Resolve passed this day, in order that they may be cancelled.

JOHN HANCOCK.

COUNCIL CHAMBER, *March* 20, 1788.

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